

1 SNOHOMISH COUNTY COUNCIL
2 SNOHOMISH COUNTY, WASHINGTON
3

4 AMENDED ORDINANCE NO. 10-058
5

6 RELATING TO SNOHOMISH COUNTY SHORELINES OF THE STATE;
7 REPEALING THE SNOHOMISH COUNTY SHORELINE MANAGEMENT
8 MASTER PROGRAM AND CHAPTER 30.44 SCC; ADOPTING A NEW SNOHOMISH
9 COUNTY SHORELINE MANAGEMENT PROGRAM INCLUDING SHORELINE
10 ENVIRONMENT DESIGNATION MAPS; ADOPTING SHORELINE ADMINISTRATIVE
11 PROCEDURES AND SHORELINE REGULATIONS AND AMENDING
12 CHAPTER 4.28 SCC AND SEVERAL CHAPTERS OF TITLE 30 SCC; AND
13 AMENDING AMENDED ORDINANCE NO. 10-026
14
15

16 WHEREAS, Washington's Shoreline Management Act (SMA) (chapter 90.58 RCW)
17 was adopted by the public in a 1972 referendum "to prevent the inherent harm in an
18 uncoordinated and piecemeal development of the state's shorelines"; and

19 WHEREAS, the Snohomish County Shoreline Management Master Program
20 (SMMP) was adopted by County resolutions on September 25, 1974, and September 30,
21 1974; and

22 WHEREAS, the SMMP was approved by the Washington State Department of
23 Ecology (DOE) on December 27, 1974, for unincorporated Snohomish County and for the
24 following municipalities: Arlington; Brier; Gold Bar; Granite Falls; Index; Lake Stevens;
25 Monroe; Mountlake Terrace; Sultan; and Woodway; and

26 WHEREAS, subsequent amendments to the SMMP applied only to unincorporated
27 Snohomish County; and

28 WHEREAS, the SMMP was amended on the following dates: March 1982; May
29 1983; February 1984; August 1985 (Ordinance No. 85-073); January 1986 (Ordinance No.
30 86-111); October 1988 (Ordinance No. 88-075); March 1989 (Ordinance No. 89-012); and
31 June 1993 (Ordinance No. 93-036); and

32 WHEREAS, shoreline master programs are approved and administered jointly by the
33 DOE and the local jurisdiction pursuant to chapter 90.58 RCW; and

34 WHEREAS, the update of the SMMP is required by the 1995 Washington State
35 Legislature direction to the DOE to adopt updated shoreline master program guidelines
36 (Guidelines) (chapter 173-26 WAC (Part III)) consistent with SMA policy. The Guidelines,
37 effective January 17, 2004, establish minimum standards for local shoreline master programs
38 and require integration of shoreline and growth management plans and regulations; and

39 WHEREAS, RCW 36.70A.480 provides that the goals and policies contained in a
40 local shoreline master program shall be considered an element of the local comprehensive
41 plan required by the Growth Management Act (GMA) (chapter 36.70A RCW). All other

1 portions of the local shoreline master program, including use regulations, are considered a
2 part of the local development regulations required by the GMA; and

3 WHEREAS, Snohomish County entered into a grant contract with the DOE on March
4 22, 2004, to update the county's SMMP as an "early adopter" jurisdiction; and

5 WHEREAS, it is proposed that the SMMP be renamed the Snohomish County
6 Shoreline Management Program (SMP); and

7 WHEREAS, a public participation plan was prepared and followed to facilitate early
8 and continuous public participation in drafting the new SMP; and

9 WHEREAS, a Snohomish County Shoreline Advisory Committee (SAC) was formed
10 to assist in the SMP preparation. The SAC was comprised of representatives of key
11 stakeholder groups, including shoreline property owners, Indian tribes, agriculture producers,
12 utilities, state agencies, water recreation businesses, environmental advocacy groups, and
13 land development groups; and

14 WHEREAS, the SAC met 21 times beginning on September 1, 2004, and ending on
15 July 12, 2006, to identify shoreline issues, and to review, discuss and draft general goals and
16 policies, shoreline environment designations, and shoreline use and modification policies;
17 and

18 WHEREAS, the SAC hosted two public open houses in May 2005 to gather
19 information and to educate the general public about the SMP update; and

20 WHEREAS, a mail-in survey of 4,000 shoreline property owners was conducted to
21 solicit opinions on shoreline conditions and issues and to inform recipients of the ongoing
22 update of the SMP; and

23 WHEREAS, the SAC developed shoreline management goals and policies;
24 environment designations, criteria*and management policies; and use and modification
25 policies consistent with the requirements of the SMA and the Guidelines; and

26 WHEREAS, the County conducted a comprehensive inventory of the ecological
27 functions and conditions within its shoreline jurisdiction to provide a scientific foundation for
28 application of the shoreline environment criteria and assignment of the appropriate shoreline
29 designation; and

30 WHEREAS, the results of this comprehensive inventory are contained in a document
31 titled, *Summary of Shoreline Ecological Functions and Conditions in Snohomish County*,
32 February 2006 ("Inventory"); and

33 WHEREAS, the County conducted an analysis of the potential cumulative impacts on
34 shoreline ecological functions from development activities based on development potential
35 given existing land use plans and zoning and proposed regulatory offsets to mitigate potential
36 impacts from development; and

37 WHEREAS, this cumulative impact analysis is contained in a document titled,
38 *Revised Draft Report – Snohomish County Cumulative Impact Analysis (CIA)*, December,
39 2009; and

1 WHEREAS, the county utilized the policy recommendations from the SAC, the
2 scientific information in the Inventory, and the impact assessment and proposed regulatory
3 offsets from the CIA to draft revisions to the SMMP; and

4 WHEREAS, the new SMP is comprised of the shoreline environment designations
5 and policies, attached as Exhibit A to this ordinance, a series of 44 maps that depict the
6 official delineation of the county's shoreline environment designations, attached as Exhibit B
7 to this ordinance, and the shoreline regulations in new chapter 30.67 SCC; and

8 WHEREAS, the shoreline procedural regulations for administration, enforcement and
9 permit review are included in new chapter 30.44 SCC but are not included as part of the SMP
10 as allowed under WAC 173-26-191(2)(a)(iii)(C); and

11 WHEREAS, an environmental impact statement (EIS) was prepared under the State
12 Environmental Policy Act (SEPA) (chapter 43.21C RCW) to evaluate the proposed SMP and
13 compare it with a reduced jurisdiction alternative and the existing program. The Draft EIS
14 was issued on May 1, 2006. The Final EIS was issued on June 28, 2006; and

15 WHEREAS, the Snohomish County Planning Commission held briefings on
16 November 30, 2004, December 2, 2005, and June 27, 2006, on the proposed SMP; and

17 WHEREAS, the planning commission held a public hearing on July 25, 2006, to hear
18 public testimony, deliberate and make a recommendation to the Snohomish County Council
19 on the proposed SMP; and

20 WHEREAS, on July 25, 2006, the planning commission recommended that the
21 county council adopt the SMP for the reasons specified in its letter of recommendation which
22 is contained in the legislative record as Exhibit No. 1.3.3.6; and

23 WHEREAS, the county council was briefed on the environmental impact analysis of
24 the proposed SMP on June 27, 2006. Additional county council briefings on the proposed
25 SMP were given on September 12, 2006, September 9, 2008, January 26, 2010, July 10, 2010
26 and July 27, 2010; and

27 WHEREAS, the DOE submitted a letter to the county, dated November 14, 2006,
28 indicating significant concerns regarding: 1) the degree to which the planning commission's
29 recommended SMP regulations were integrated into the county code; and 2) use of the latest
30 data to determine the upstream extent of shoreline jurisdiction on county rivers; and

31 WHEREAS, the county reformatted the planning commission's recommended SMP
32 and reduced the degree to which the regulations were integrated into the county code to
33 facilitate the required review by the DOE; and

34 WHEREAS, the state updated WAC 173-18-046 in February, 2007, requiring that
35 shorelines of the state be defined on rivers and streams based on the rate of flow at or above
36 20 cubic feet per second (cfs) and that this flow rate data be used instead of the specific list
37 of stream names included in WAC 173-18-350; and

38 WHEREAS, applying the latest data available, the county revised the shoreline maps
39 in February, 2009, to extend the shoreline jurisdiction on several rivers upstream to the point

1 where stream flows reach 20 cfs and adding new streams where the data models indicate
2 flow rates in excess of the 20 cfs standard, resulting in approximately 70 miles of new stream
3 segments added to the shoreline maps;

4 WHEREAS, given the addition of new stream segments to the shoreline maps and
5 significant reformatting of the SMP, the county drafted a supplemental EIS (SEIS) to address
6 potential environmental impacts not evaluated in the earlier environmental review process;
7 and

8 WHEREAS, the county revised the CIA to address the new stream segments; and

9 WHEREAS, the reformatted version of the SMP, including the updated maps, was
10 transmitted back to the planning commission; and

11 WHEREAS, the planning commission held a briefing on January 26, 2010; and

12 WHEREAS, the planning commission began a new series of public hearings on
13 February 23, 2010, and held deliberations on March 23 and April 27, 2010;

14 WHEREAS, the planning commission recommended that the council adopt the SMP
15 as amended in its new letter of recommendation dated May 14, 2010, and included in the
16 legislative record as Exhibit No. 2.3.1; and

17 WHEREAS, the county council held public hearings on September 1, 2010,
18 September 22, 2010 and October 13, 2010; and

19 WHEREAS, estuarine shores, point and channel bars and salmon and trout spawning areas
20 are particularly important aquatic and terrestrial fish and wildlife habitat calling for additional
21 protection. These critical habitat areas would be defined in basin salmon recovery plans and in the
22 *Summary of Shoreline Ecological Functions and Conditions in Snohomish County (February 2006)*
23 report; and

24 WHEREAS, the dynamic physical processes of rivers, including the movement of
25 water, sediment and wood, cause the river channel in some areas to move laterally, or
26 "migrate," over time. This is a natural process in response to gravity and topography and
27 allows the river to release energy and distribute its sediment load. The area within which a
28 river channel is likely to move over a period of time is referred to as the channel migration
29 zone (CMZ) or the meander belt. Scientific examination as well as experience has
30 demonstrated that interference with this natural process often has unintended consequences
31 for human users of the river and its valley such as increased or changed flood, sedimentation
32 and erosion patterns. It also has adverse effects on fish and wildlife through loss of critical
33 habitat for river and riparian dependent species. Failing to recognize the process often leads
34 to damage to, or loss of, structures and threats to life safety; and

35
36 WHEREAS, the shoreline guidelines allow the county to adopt different timelines for
37 shoreline permits from those set forth in WAC 173-27-090(2) or (3) upon a finding of good
38 cause, based on the requirements and circumstances of the project proposed and consistent
39 with the policy and provisions of the Shoreline Management Act and the shoreline
40 guidelines; and
41

1 WHEREAS, mitigation banks offer valuable resources and opportunities for the
2 mitigation of impacts to shoreline ecological functions furthering the ecological protection
3 and restoration goals and the "no net loss" standard of the Shoreline Management Act; and
4

5 WHEREAS, extended permit renewal opportunities for ecological mitigation banks
6 supports the multiagency agreements that authorize the mitigation banks and the facilitates
7 the ongoing management for these multi-year, multi-phase projects; and.
8

9 WHEREAS, the county council held deliberations considering the entire record on
10 the SMP and proposed amendments submitted during the public hearing process on October
11 13, 2010.

12 NOW, THEREFORE, BE IT ORDAINED:
13

14 **Section 1.** The foregoing recitals are incorporated herein as findings of fact as if set forth in
15 full.
16

17 **Section 2.** The county council makes the following findings of fact:
18

19 A. The county is required to update its SMP pursuant to RCW 90.58.080.

20 B. The GMA was amended to include as its fourteenth goal the goals and policies of the
21 SMA [RCW 36.70A.480(1)]. This means that the goals and policies adopted in the SMP
22 become part of the county's GMA comprehensive plan (GMACP) and, as part of the
23 GMACP, the provisions in the SMP must be consistent with the comprehensive plan
24 [RCW 36.70A.070].

25 C. The county's updated SMP must be consistent with the policy goals enunciated in RCW
26 90.58.020 and WAC 173-26-176. The proposed SMP contains goals, policies and
27 regulations which implement the goals of the SMA as shown in Table C-1 below. Table
28 C-1 provides some major examples of how the SMP implements the goals of the SMA,
29 but does not contain an exhaustive list of examples.
30

Table C-1: SMA Goals Implemented in Proposed SMP

SMA Goals	Proposed SMP		Other related County policies and regulations
	Policies	Regulations	
The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use.	Broad range of economic uses allowed and use preference for water-dependent uses. Land Use Element – Section 3.2.3	Allowed land uses: SCC 30.67.430 Use preference: SCC 30.67.410 Resource, Commercial, Industrial uses in chapter 30.67 SCC, Part 500	GMACP policy: NE 3.F.1
The utilization of shorelines and waters they encompass for public access and recreation.	Public Access Element – Section 3.2.4 Recreation – Section 3.2.5.13	Public access: SCC 30.67.330 Recreation: SCC 30.67.565	GMACP policy: NE 3.F.1 Parks and Recreation Plan
Protection and restoration of the ecological functions of shoreline natural resources.	Conservation Element – Section 1.2.4.1 Restoration – Section 3.2.5.16 Protect ecological functions – Section 3.1.2.2 <i>The Restoration Element</i> – goals and policies	Critical Areas: SCC 30.67.060 Restoration: SCC 30.67.580 No Net Loss: SCC 30.67.320	GMACP policy: NE 3.F.1 <i>The Restoration Element</i> Critical area regulations: chapters 30.62A, 30.62B, 30.62C and 30.65 SCC
Protection of the public right of navigation and corollary uses of the waters of the state.	Protection of navigation - common theme found throughout document, particularly in Aquatic environment management policies, land use element policies and specific land use and modification policies (aquaculture, boating facilities and in-water modifications)	Development standards for in-water uses and modifications: chapter 30.67 SCC, Part 500.	Shoreline permit review criteria: 30.44 SCC

The protection and restoration of buildings and sites having historic, cultural and educational value.	Cultural, Archaeological and Historic Element – Section 1.2.4.2		Chapter 30.32D SCC
Planning for public facilities and utilities correlated with other shoreline uses.	Utilities – Section 3.2.5.18	Utilities: SCC 30.67.595	
Prevention and minimization of flood damage.	Flood Protection Measures – Section 3.2.5.8	Flood protection regulations: SCC 30.67.540	Chapter 30.65 SCC
Recognizing and protecting private property rights.	Policies related to public access and specific shoreline uses – Sections 3.2.4 and 3.2.5	Broad range of uses allowed: SCC 30.67.430 Public Access: SCC 30.67.330	Variance process: SCC 30.44.150 Intent section in critical areas regs: SCC 30.62A.015 and 30.62B.015 GMACP : Objective NE 1.A Policy NE 1.A.3
Preferential accommodation of single-family uses.	Broad-based allowance for single-family use – Sections 3.2.3.2 and 3.2.5.14	Residential: SCC 30.67.570	Flexibility to accommodate sfr: SCC 30.62A.350 and 30.62A.520
Coordination of shoreline management with other relevant local, state and federal programs.			Permit review requirements: chapter 30.44 SCC GMACP: Objective NE 2.A and Policies 2.A.1 thru 2.A.6 <i>The Restoration Element</i>

1

2 D. The county provided opportunities for early and continuous public participation as
3 required by WAC 173-26-090, RCW 36.70A.130 and subtitle 30.7 SCC as demonstrated
4 by the following:

5 1. The SAC was formed, met 21 times and hosted two open houses for the general
6 public. The SAC represented a broad range of stakeholder groups with members
7 appointed by the County Executive;

2. A survey of 4,000 shoreline property owners was conducted to identify critical shoreline issues;
3. An EIS and SEIS were prepared which allowed for a public comment period;
4. The county adoption process included public hearings with the planning commission and the county council. These hearings provided opportunities for public participation and comment; and
5. The SMP documents were available for public review and comment on the county's web site and in the county planning department office. Public review copies were also distributed to public libraries located in Stanwood, Arlington, Lake Stevens, Granite Falls, Snohomish and Monroe.

E. The county performed the following environmental review pursuant to SEPA, chapter 30.61 SCC and chapter 197-11 WAC.

1. On July 13, 2005, PDS issued a Determination of Significance and request for comments on the scope of the EIS for the SMP update.
2. During the EIS scoping process, affected tribes, agencies, and members of the public were invited to comment on the scope of the EIS, including alternatives and probable environmental impacts. Public comments on the scope of the EIS were accepted until August 2, 2005.
3. A Draft Environmental Impact Statement (DEIS) was prepared to analyze the potential impacts of the proposed SMP. The DEIS was issued on May 1, 2006.
4. The text of the DEIS and the public comment schedule were posted and available on the County's SMP update web page.
5. Public comment was accepted on the DEIS for the required 30-day period beginning on the date the DEIS was issued and ending on May 30, 2006.
6. A Final Environmental Impact Statement (FEIS) was prepared to address public comments on the DEIS. The FEIS was issued on June 28, 2006.
7. A Draft Supplemental EIS (SEIS) was prepared and issued on June 21, 2010 with public comment accepted until July 23, 2010.
8. A Final SEIS was issued on August 25, 2010.

F. An EIS, which included an economic impact analysis, an inventory of ecological functions and conditions, and a cumulative impact analysis (CIA) were prepared for the SMP.

1. An EIS evaluated three alternatives: a no-action alternative evaluating the existing SMMP; the proposed alternative; and a reduced jurisdiction alternative. The EIS contains an analysis of environmental and economic impacts.

1 2. *Summary of Shoreline Ecological Functions and Conditions in Snohomish*
2 *County*", February 2006 ("Inventory") identified the existing ecological functions
3 and conditions present for each shoreline segment (or reach) and the degree of
4 environmental sensitivity of each reach to impacts from potential development
5 activity. A supplement was prepared in February, 2009, to address the existing
6 ecological functions of the new streams added to the County's shoreline
7 jurisdiction using the 20 cfs data. This Inventory information was used to:

- 8 a. Develop a classification system and designation criteria for assigning
9 shoreline environment designations to each shoreline reach;
- 10 b. Draft management policies for each shoreline environment that reflect the
11 ecological conditions and sensitivity of each unique environment;
- 12 c. Draft shoreline use and modification policies and regulations which are
13 designed to protect existing ecological functions; and
- 14 d. Identify shoreline areas where existing ecological conditions and functions
15 may benefit from restoration opportunities. These restoration
16 opportunities are contained in *The Restoration Element*.

17 3. The CIA assessed the potential impacts on shoreline ecological functions due to
18 development activities which may be proposed under the GMACP and zoning.
19 This report, titled *Revised Draft Report – Snohomish County Cumulative Impact*
20 *Analysis (CIA)*, December, 2009, also contains recommended regulatory offsets to
21 mitigate potential impacts from development. Recommendations in the CIA were
22 used to develop the shoreline regulations in the proposed SMP.

23 G. A Restoration Element focusing on priority reaches identified in the Inventory was
24 prepared to address the provisions outlined in WAC 173-26-201(2)(f).

- 25 1. With the exception of the goals and policies contained in sections 1.2.4.1 and
26 3.2.5.16 in the policy document titled *Shoreline Management Program:*
27 *Shoreline Environment Designations, Policies and Regulations*, the remainder of
28 the Restoration Element are not adopted as part of the SMP.
- 29 2. The restoration element includes a list of the capital projects identified in the
30 Snohomish County Department of Public Works six-year capital improvement
31 program (CIP) that are related to restoration of shoreline ecological functions.
32 This six-year CIP is not part of the SMP.
- 33 3. The county's shoreline restoration strategy is coordinated with other planning
34 efforts relating to salmon conservation (WRIA planning), stormwater drainage
35 (National Pollution Discharge Elimination System) and environmental protection
36 in general (e.g., the Natural Environment element of the GMACP and
37 coordination with the Puget Sound Partnership).

38 H. The SAC prepared goals and policies consistent with the SMA and the Guidelines that
39 provide the foundation for the SMP. The SAC goals and policies address:

1. The elements required under RCW 90.58.100(2), as well as a Resource Lands Element;
2. Designation and management of each of the shoreline environments; and
3. Standards for shoreline uses and modifications.

I. The elements identified in RCW 90.58.100(2), WAC 173-26-186(8)(c), WAC 173-26-191 and WAC 173-26-201(2)(f) have been integrated into the SMP pursuant to WAC 173-26-191(1)(b) which states in part:

Local jurisdictions are not required to address the master program elements listed in the Shoreline Management Act as discrete sections. The elements may be addressed throughout the master program provisions rather than used as a means to organize the master program.

The goals and policies developed by the SAC for each of the required elements, plus the Resource Lands Element, have been integrated into the corresponding SMP sections as indicated below:

1. Economic Element (3.2.3 – Shoreline Use Element; 3.2.5.1 - Agriculture; 3.2.5.2 – Aquaculture; 3.2.5.5 – Commercial; 3.2.5.9 – Forestry; 3.2.5.10 – Industry and Ports; 3.2.5.12 – Mining; and 3.2.5.13 – Recreation)
2. Public Access Element (3.2.4 – Public Access Element; 3.2.5.5 – Commercial; 3.2.5.10 – Industry and Ports; 3.2.5.13 – Recreation; 3.2.5.14 - Residential)
3. Recreation Element (3.2.5.13 – Recreation)
4. Circulation Element (3.2.5.17 – Transportation, Circulation and Parking; 3.2.5.18 – Utilities)
5. Land Use Element (3.2.3 – Shoreline Use Element; 3.2.5 – Specific Uses and Modifications including subsections 1 through 19)
6. Restoration Element (3.2.5.16 – Shoreline Habitat Restoration and Enhancement; *The Restoration Element*)
7. Flood Damage Prevention Element (3.2.5.9 – Flood Protection Measures)
8. Conservation Element (1.2.4.1 – Conservation and Monitoring element)
9. Cultural, Archaeological and Historic Element (1.2.4.2 - Cultural, Archaeological and Historic Element)
10. Resource Lands Element (3.2.5.1 – Agriculture; 3.2.5.2 – Aquaculture; 3.2.5.9 – Forestry; 3.2.5.12 – Mining; 2.2.4 – Municipal Watershed Utility, Management Policies)

J. The proposed SMP classifies each shoreline reach into one of seven designations: Urban, Urban Conservancy, Rural Conservancy, Resource, Municipal Watershed Utility, Natural or Aquatic. These designations are based on the ecological functions and conditions identified in the Inventory and on the existing and planned development patterns

1 determined by the county's GMACP. These shoreline environment designations are an
2 overlay to the GMACP's land use designations.

3 K. This classification system in the proposed SMP using the seven shoreline environment
4 designations differs slightly from the classification system in WAC 173-26-211.
5 Alterations to the recommended approach are allowed pursuant to WAC 173-26-
6 211(2)(a) and (4)(c), provided that the alternative approach provides equal or better
7 implementation of the SMA. The county's proposed system was developed to better
8 reflect local conditions and maintain consistency with the GMACP as required under
9 WAC 173-26-211(3).

10 L. The environment descriptions provide the basic intent, purpose and function of the
11 shoreline environment designations related to land use in the shoreline jurisdiction as
12 established by the SAC. The seven environment designations are described as:

13 1. Aquatic: The Aquatic shoreline environment designation is intended to protect,
14 restore, and manage the unique characteristics and resources of the areas waterward
15 of the ordinary high water mark. This designation is not applied to reservoirs. The
16 Aquatic shoreline environment designation applies to submerged intertidal lands and
17 small islands and gravel bars within the outer river banks and stream channel, and
18 associated wetlands waterward of the ordinary high water mark.

19 2. Natural: The Natural shoreline environment designation applies landward of the
20 ordinary high water mark to protect or restore shoreline areas that are relatively free
21 of human influence or that include intact or minimally degraded shoreline functions
22 that are intolerant of human use. These systems require that only very low intensity
23 uses be allowed to maintain ecological functions and ecosystem-wide processes.
24 Uses shall be compatible with the natural characteristics that make these areas unique
25 and valuable. Land uses that substantially degrade the ecological functions or natural
26 character of the shoreline area are prohibited.

27 3. Municipal Watershed Utility: The Municipal Watershed Utility shoreline
28 environment designation is intended to protect public water supply, power generation
29 and/or flood control reservoirs such as Spada Lake. The designation applies to the
30 Spada Lake shoreline, as well as to the water body itself. The intent is to permit
31 operations by the utility that result in changing water levels, while meeting the
32 requirements of the license issued by the Federal Energy Regulatory Commission.
33 Although this environment designation applies only to Spada Lake in the proposed
34 SMP, it could be applied to other reservoirs in the future.

35 4. Resource: The Resource shoreline environment designation applies to areas landward
36 of the ordinary high water mark that are located outside of designated urban growth
37 areas and are designated Riverway Commercial Farmland, Upland Commercial
38 Farmland, Local Commercial Farmland, Commercial Forest, or Commercial Forest –
39 Forest Transition Area on the county's comprehensive plan future land use map. This
40 shoreline environment designation is intended for areas within shoreline jurisdiction
41 that are currently used or planned for agricultural activities, commercial forest

practices or mineral extraction. The intent is to conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use. Providing additional public access and recreational opportunities that are compatible with the resource production activity are also an important purpose of this designation.

5. Rural Conservancy. The Rural Conservancy shoreline environment designation applies to areas located landward of the ordinary high water mark that are located outside of designated urban growth areas, but are not zoned A-10, F, F&R or MC, and do not meet the criteria for a Natural designation. The purpose of the Rural Conservancy designation is to accommodate residential development while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Low density residential is the primary land use in these areas. Providing public access and recreational opportunities is also an important purpose of this designation. The Rural Conservancy designation also applies to nonfederal lands lying within the exterior boundaries of federal lands and those federal lands leased by the federal government to other persons, which fall within the definition of shorelands and are subject to the SMP.
6. Urban Conservancy: The Urban Conservancy shoreline environment designation applies to areas located landward of the ordinary high water mark within unincorporated portions of designated urban growth areas (UGAs) that are not developed with, or planned for more intensive uses. The purpose of the Urban Conservancy designation is to protect and restore ecological functions of open space, floodplains and other sensitive lands where they exist in developed urban settings, while also allowing a variety of compatible uses. The shorelines within the Urban Conservancy designation include, but are not limited to, open space, floodways, wetlands, native growth protection areas or other sensitive areas that should not be more intensively developed.
7. Urban: The Urban shoreline environment designation is applied to shoreline areas landward of the ordinary high water mark within unincorporated portions of designated UGAs that are developed or planned for more intensive uses under the GMACP. These areas are predominantly developed as single-family or multi-family residential use or are within a residential, urban commercial or urban industrial GMACP designation and are generally unconstrained by environmentally sensitive areas. The purpose of the Urban designation is to provide for water oriented commercial, transportation, and industrial uses, and to accommodate residential development while also protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Shorelines with an Urban designation should include appropriate public access and recreation uses in accordance with the management policies developed by the SAC and consistent with the goals of the SMA.

- 1 M. The general environment designation provisions are consistent with guidelines found in
2 WAC 173-26-211(4)(a) and the shoreline ecological conditions identified in the
3 Inventory. For each shoreline environment designation the proposed SMP includes:
- 4 1. A purpose statement describing the shoreline management objectives in a manner that
5 distinguishes it from other designations. The management objectives take into
6 account the ecological conditions present;
 - 7 2. Classification criteria that provide a clear basis for assigning the appropriate shoreline
8 environment designation. Analysis of the ecological functions and conditions is
9 included as criteria for environment classification;
 - 10 3. Management policies consistent with the purpose of each shoreline environment and
11 with the GMACP; and
 - 12 4. Environment-specific regulations which take into account the different shoreline
13 conditions addressing the following:
 - 14 a. Permitted, conditional and prohibited uses and modifications appropriate to the
15 character of each shoreline environment designation (chapter 30.67 SCC, Parts
16 400 and 500);
 - 17 b. Bulk and density regulations and development standards sensitive to the
18 ecological conditions present (SCC 30.67.460 and chapter 30.67 SCC, Part 500);
19 and
 - 20 c. Other regulations necessary to implement the purpose of the environment
21 designation (chapter 30.44 SCC and chapter 30.67 SCC, Parts 300, 400 and 500).
- 22 N. While the county's proposed environment designation system represents an alternative
23 approach, all of the recommended management policies and designation criteria in WAC
24 173-26-211(5) have been utilized and incorporated into the proposed classification
25 system.
- 26 1. The county's proposed SMP retains the *Natural* environment designation and adds an
27 *Urban Conservancy* designation to shoreline areas within UGAs which have largely
28 intact or restorable ecological functions.
 - 29 2. An *Aquatic* designation is applied to lands within the county's shoreline jurisdiction
30 that are waterward of the ordinary high water mark, except Spada Lake. The
31 *Municipal Watershed Utility* designation is specific to Spada Lake and protects its
32 unique and important role as a reservoir for public water supply, power generation
33 and flood control.
 - 34 3. The county has chosen to divide the recommended *Rural Conservancy* into two
35 separate designations: *Rural Conservancy* and *Resource*. The *Resource* designation
36 reflects the significant land area designated for forestry and agricultural uses in the
37 GMACP and is zoned primarily for low density development on lots larger than 10
38 acres. *Resource* uses represent the largest land use component within the county's
39 shoreline jurisdiction, accounting for nearly 80% of the total acreage. Some resource-

related activities are not compatible with residential uses, the predominant use in the *Rural Conservancy*, and a separate environment designation is necessary to accommodate resource uses which should not be allowed in residential areas.

4. The management policies and designation criteria for the recommended *High Intensity* category have been folded into the county's proposed *Urban* designation. Within *Urban* shoreline environments, the locations of the two predominant uses, high intensity (industrial and commercial) and high density residential, are determined by GMACP designation and zoning. These high intensity uses represent only a small segment of the uses found in the county's shoreline jurisdiction.

5. Instead of including the recommended *Shoreline Residential* category, the county has included a residential component in each of the other designations, except *Municipal Watershed Utility*, to reflect actual land use patterns in Snohomish County. Land use patterns, zoning and comprehensive plan designations do not support a unique *Shoreline Residential* category since residential uses are found throughout the county's shoreline jurisdiction. Residential uses are often combined with other uses (e.g., home-based businesses, agriculture, etc.) on a single site. By folding residential uses into each of the shoreline environment designations, shoreline residential policies and development standards can be established that are compatible with the purpose of each shoreline designation and its ecological character and conditions.

O. Maps showing the shoreline environment designations are a component of the SMP and are attached to this ordinance as Exhibit B and adopted in Section 6 below. The county used a geographic information system (GIS) to assign the designations and create maps. The following steps were used to assign environment designations:

1. Areas waterward of the OHWM, or between the OHWM on each bank of a river, were assigned *Aquatic*.
2. Areas with a natural resource designation on the county's comprehensive plan (Riverway Commercial Farmland, Upland Commercial Farmland, Local Commercial Farmland, Commercial Forest and Commercial Forest – Forest Transition Area) were assigned *Resource*.
3. All areas within UGAs were assigned *Urban*.
4. All non-*Resource* areas outside of UGAs were assigned *Rural Conservancy*.
5. *Urban* environments were then analyzed on a case-by-case basis to determine which areas satisfied the *Urban Conservancy* criteria.
6. All *Resource* and *Rural Conservancy* environments were then analyzed on a case-by-case basis to determine which areas satisfied the *Natural* criteria.

Steps 5 and 6 in particular relied heavily on the Inventory of ecological functions and conditions to determine if the criteria were met for *Urban Conservancy* or *Natural*. Each reach or shoreline segment was evaluated individually against the designation criteria and the results are presented in *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*, Appendix B, attached to this ordinance as Exhibit A.

1 P. The initial GIS assignments to shoreline environment designations were performed on a
2 case-by-case assessment of the ecological conditions of each shoreline segment. Based
3 on the Inventory data, a GIS search for all reaches (water planning areas or segments)
4 was conducted. GIS data representing the ecological functions and the shoreline
5 environment designation criteria were applied, resulting in the assignment of shoreline
6 classification. The Inventory's GIS data includes information about the following:

- 7 1. Lot size;
- 8 2. Development density and total impervious area;
- 9 3. Percent of intact shoreline vegetation;
- 10 4. Percent of linear shoreline / bank armoring;
- 11 5. Number of docks per 1,000 linear feet of shoreline;
- 12 6. Location of roads, culverts, railroads and bridges;
- 13 7. Flood control structures;
- 14 8. Geological conditions and erosion potential;
- 15 9. Presence of wetlands and large woody debris; and
- 16 10. Ecological conditions documented in other research (e.g., pool/riffle ratio, Clean
17 Water Act section 303d listings, health rating from the State of the Lakes report)

18 Q. The SAC developed policies for specific shoreline modifications and uses identified in
19 WAC 173-26-231 and 173-26-241. These modification and use policies implement the
20 SMA goals to give preference to water-dependent and water-related uses, provide public
21 access and recreation opportunities, protect shoreline ecological functions and preserve
22 private property rights.

23 R. The modification and use policies provide the basis for the shoreline regulations. The
24 shoreline use and modification regulations reflect the ecological conditions within each
25 of the shoreline environment designations. The ecological conditions were considered in
26 the assignment of shoreline designations and the determination of which uses are
27 permitted, conditional or prohibited in any given designation. Except for an outright
28 prohibition of a specific set of land uses incompatible with shoreline goals and policies,
29 the types of land uses permitted, conditionally permitted, and prohibited in shoreline
30 areas is generally determined by the purpose and management policies for each shoreline
31 environment designation. A series of questions were answered for each type of proposed
32 land use or shoreline modification:

- 33 1. Is the modification or use consistent with the goals and policies of the SMA?
- 34 2. Is the modification or use compatible with each of the specific shoreline
35 environments?
- 36 3. If not, can it be made compatible by requiring certain conditions related to scale,
37 scope, location, design or impact mitigation?

Figure R-1 illustrates the county's decision process for determining which modifications and uses will be allowed in each shoreline environment and what conditions or standards are required to ensure that the modification or use is consistent with the intent of each shoreline environment.

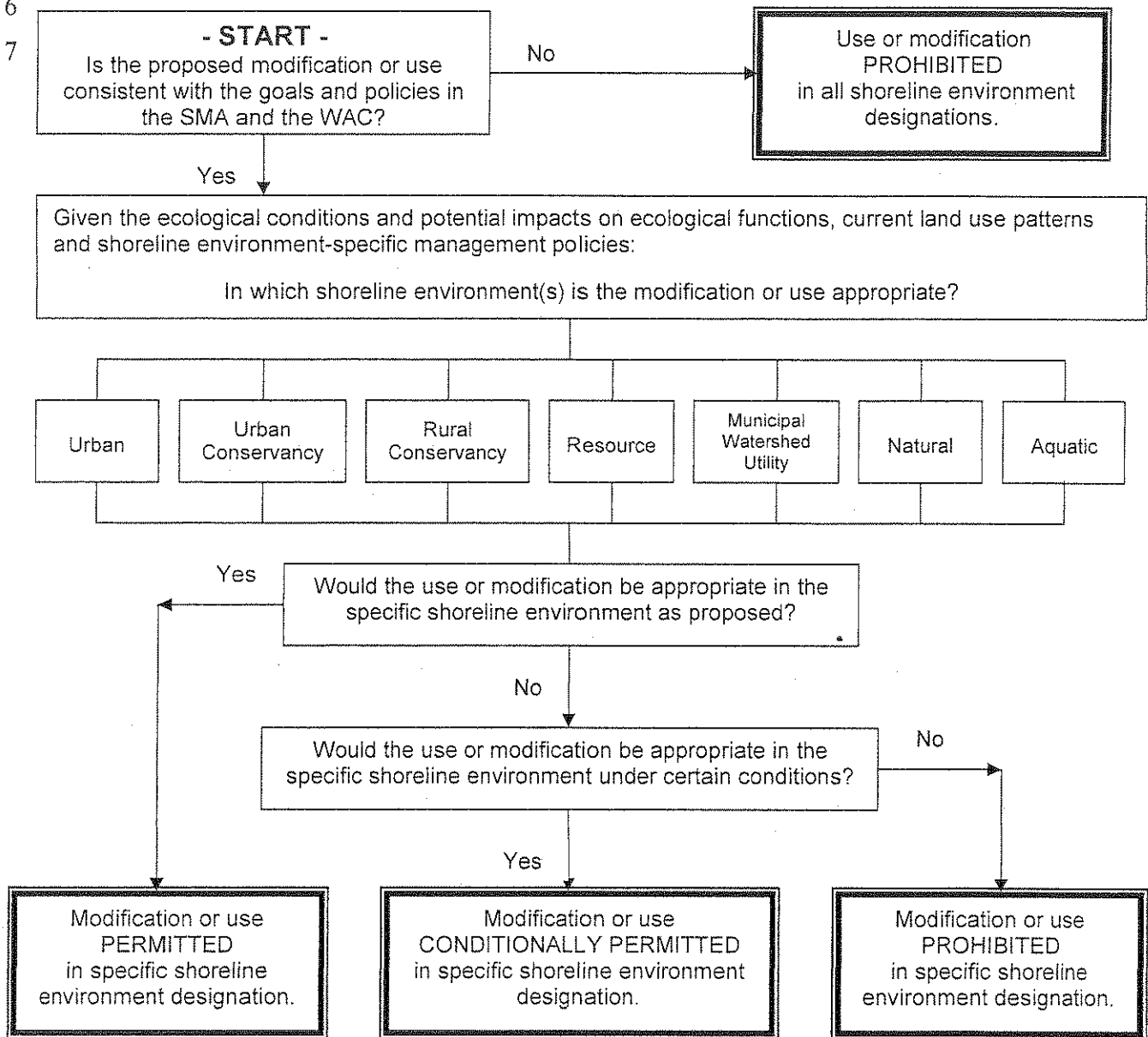


Figure R-1.

Decision process for developing regulations based on shoreline environment designation.

- 1
- 2 S. As a result of the decision process shown in Figure R-1, the shoreline regulations contain
- 3 a list of uses prohibited in all shoreline environments, a table showing which specific
- 4 uses and modifications are appropriate in which shoreline environments, and both general
- 5 and environment-specific regulations to ensure that the modification or use meets the
- 6 overall goals of the SMA and is consistent with the purpose of the specific shoreline
- 7 environment.
- 8 T. The shoreline use regulations in the proposed SMP are consistent with the requirements
- 9 of WAC 173-26-241 and RCW 90.58.100:
- 10 1. The proposed use regulations give preference to uses that are dependent on a
- 11 shoreline location (SCC 30.67.410);
- 12 2. The proposed use regulations prohibit uses that could severely degrade water quality
- 13 in the event of a spill or other accident (SCC 30.67.420);
- 14 3. Preference is given to water dependent commercial or industrial uses by prohibiting
- 15 nonwater-oriented uses unless navigability is limited, the proposal is a mixed use
- 16 development, or the proposal is separated from the water by another property or
- 17 public right-of-way (SCC 30.67.410, 30.67.525 and 30.67.550); and
- 18 4. The proposed use regulations permit, condition or prohibit uses based on
- 19 compatibility with the purpose and management policies for each shoreline
- 20 environment (SCC 30.67.420(4)(b)).
- 21 U. The proposed shoreline modification regulations are sufficient in scope and detail to
- 22 ensure implementation of the SMA and requirements specified in WAC 173-26-231:
- 23 1. The proposed shoreline modification regulations allow only those modifications that
- 24 are appropriate for the biophysical characteristics and development patterns of each
- 25 shoreline environment designation; and
- 26 2. The modification standards in the proposed SMP reduce the adverse effects of and
- 27 limit the number of modifications by:
- 28 a. Requiring analysis of impacts to ecological functions and alternative alignments
- 29 to avoid impacts;
- 30 b. Requiring joint use of docks, floats, piers and boat ramps, where feasible;
- 31 c. Limiting modifications waterward of the ordinary high water mark to those
- 32 necessary to support water-dependent uses, essential public facilities, or
- 33 restoration or enhancement of wetlands and fish and wildlife habitat; and
- 34 d. Requiring that modifications proposed within critical areas first avoid, then
- 35 minimize, mitigate and monitor impacts to shoreline ecological functions
- 36 according to the mitigation sequence in WAC 173-26-201(2)(e).
- 37

- 1 V. WAC 173-26-201(2)(a) requires that local jurisdictions identify and assemble the most
2 current, accurate and complete scientific and technical information that is applicable to
3 the issues of concern.
- 4 1. The county made use of and relied on current local scientific research, aerial
5 photography, inventory data, technical assistance materials and manuals, services and
6 direct input from reliable sources of science, government, tribal agencies and private
7 parties. The county's SMP provisions are based on the scientific information
8 contained in the following documents produced by Snohomish County:
- 9 a. *Summary of Shoreline Ecological Functions and Conditions in Snohomish*
10 *County, February 2006 (Inventory) and Revised Summary of Best Available*
11 *Science for Critical Areas, March 2006 (BAS). [Note that each of these*
12 *documents is based on an extensive bibliography of scientific research]; and*
- 13 b. *Lake Designation Project – Shoreline Environment Designation*
14 *Recommendation, July 1994.*
- 15 c. *Revised Draft Summary of Best Available Science for Critical Areas, March,*
16 *2006.*
- 17 2. Appendix F of the Inventory identifies assumptions and data gaps in the scientific
18 information. Appendix F indicates which information has been generalized at a
19 subbasin level and which data sets are incomplete.
- 20 3. The county analyzed shoreline issues of concern and addressed potential risks as
21 required under WAC 173-26-201(3)(d) as demonstrated by the following:
- 22 a. In developing the Inventory, information was gathered and analyzed including,
23 but not limited to, data on: land use patterns; impervious surface; vegetation;
24 transportation facilities; shoreline modifications; critical areas; degraded areas;
25 important habitat areas; and channel migration zones.
- 26 b. Analysis of the Inventory data allowed shoreline systems to be characterized as
27 “healthy”, “impaired” or “missing” based on the ecological functions and relative
28 health of the shoreline.
- 29 c. The county conducted an analysis to estimate the future demand for shoreline
30 property and projected growth and development trends given full implementation
31 of the GMACP. The county prepared a CIA to analyze potential impacts to
32 shoreline ecological functions from development given the development potential
33 expected based on the GMACP.
- 34 d. The CIA contains both regulatory and non-regulatory management
35 recommendations to mitigate potential impacts on shoreline ecological functions
36 from development activities.
- 37 e. An EIS was prepared to compare three alternatives of the SMP: no action
38 alternative, a reduced jurisdiction alternative, and the proposed alternative. The

analysis compared the relative impacts of each alternative's policies and regulations on the shoreline ecological functions.

W. The ecological functions of aquatic shoreline areas and their buffers, as identified in WAC 173-26-201(3)(d)(i)(C) and analyzed in the shoreline Inventory, are equivalent to the "functions and values" of critical areas analyzed in the BAS and identified in SCC 30.62A.220 as demonstrated below in Table W-1:

Table W-1: Comparison of Ecological Functions Under GMA and SMA

Critical Areas / Shorelines & Buffers	GMA Critical Area Functions & Values [SCC 30.62A.220]	SMA Shoreline Ecological Functions [WAC 173-26-201(3)(d)(i)(C)]
Streams	Fish and wildlife habitat; transport of water, sediment and organic material; floodwater storage and attenuation.	Hydrologic: Transport of water and sediment across the natural range of flow variability; attenuating flow energy; developing pools, riffles, gravel bars, recruitment and transport of large woody debris and other organic material. Habitat for native aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians and anadromous and resident native fish.
Wetlands	Fish and wildlife habitat; pollution assimilation; sediment retention; shoreline stabilization; floodwater storage, attenuation and conveyance; wave energy attenuation; stream base-flow maintenance; and groundwater discharge/recharge.	Hydrologic: Storing water and sediment, attenuating wave energy; removing excessive nutrients and toxic compounds; recruiting woody debris and other organic material. Habitat for aquatic and shoreline-dependent birds; invertebrates, mammals, amphibians and anadromous and resident native fish.
Lakes	Fish and wildlife habitat; sediment retention; pollution assimilation; and floodwater attenuation, storage and conveyance.	Hydrologic: Storing water and sediment, attenuating wave energy; removing excessive nutrients and toxic compounds; recruitment of large woody debris and other organic material. Habitat for aquatic and shoreline-dependent birds; invertebrates, mammals, amphibians and anadromous and resident native fish.
Marine waters	Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation.	Hydrologic: Transporting and stabilizing sediment; attenuating wave and tidal energy; removing excessive nutrients and toxic compounds; recruitment, redistribution and reduction of woody debris and other organic material. Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish.

Primary association areas of critical species	Fish and wildlife habitat.	Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.
Buffers (NOTE: buffers are NOT designated as critical areas)	Buffers. Habitat for water associated and riparian associated wildlife; wildlife movement corridors; noise and visual screening; large woody debris and other natural organic matter recruitment; floodwater attenuation and storage; temperature maintenance; pollution assimilation; streambank stabilization; and supply of sediments and nutrients.	Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compounds; sediment removal and stabilization; attenuation of flow, wave or flood energy; and provision of large woody debris and other organic matter. Hyporheic functions: Removing excessive nutrients and toxic compounds; water storage; support of vegetation; sediment storage; maintenance of base flows and support of vegetation.

X. WAC 173-26-186(8)(b) states that, "Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions." Given that the shoreline ecological functions are the same as the critical area functions and values as demonstrated in Table W-1, this no net loss standard for shoreline ecological functions is comparable to the no net loss standard under the GMA for critical area functions and values.

Y. The county has designated streams, lakes, marine waters, and primary association areas for critical species as critical areas, and more specifically, as fish and wildlife habitat conservation areas (SCC 30.62A.010 and 30.91C.340). Shorelines of the state, as a subset of the county's streams, lakes and marine waters would by definition be included as fish and wildlife habitat conservation areas.

1. The county designates fish and wildlife habitat conservation areas by definition and provides criteria for their identification and for the functions and values to be protected (SCC 30.62A.210). Streams, lakes and marine waters are classified according to the water typing rules contained in WAC 222-16-030. Shorelines of the state are designated by definition and clearly classified as Type S in SCC 30.62A.230, Table 1.
2. The inclusion of streams, lakes, marine waters, and primary association areas for critical species in the county's definition of fish and wildlife habitat conservation areas and the functions and values of these areas identified in SCC 30.62A.220 are supported by the best available science as required by RCW 36.70A.172.
3. Development and adoption of the county's critical area regulations complied with the public participation requirements of the Growth Management Act as documented in Snohomish County Ordinance No. 06-061, included in the legislative record as Exhibit 1.3.3.4.

- 1 Z. The county has designated shorelines of the state as critical areas based on the following:
- 2 1. RCW 36.70A.480(5) allows the county to designate as critical areas those portions of
- 3 shorelines of the state which meet the definition of critical areas. The streams, lakes
- 4 and marine waters and their associated wetlands under shoreline jurisdiction meet the
- 5 definition of “critical areas” under RCW 36.70A.030(5) and SCC 30.91C.340.
- 6 Designation of shorelines of the state as fish and wildlife habitat conservation areas is
- 7 consistent with the guidelines in WAC 365-190-080(5)(a). Critical area designation
- 8 of wetlands associated with shorelines of the state is consistent with WAC 365-190-
- 9 080(1).
- 10 2. Shorelines of the state perform ecological functions equivalent to the critical area
- 11 functions and values protected pursuant to the requirements in chapter 36.70A RCW.
- 12 Shorelines of the state provide habitat for critical species. In addition, hydrologic
- 13 functions are performed over the entire reach of all shorelines of the state in
- 14 Snohomish County contributing to habitat formation, migratory connections and flow
- 15 maintenance over the entire hydrologic network. Because these functions occur
- 16 throughout the entire extent of the shorelines of the state in Snohomish County, the
- 17 streams, lakes and marine waters are designated in their entirety as fish and wildlife
- 18 habitat conservation areas.
- 19 3. The Inventory of shoreline ecological functions and conditions documents the
- 20 functions performed by shoreline reach for every shoreline of the state located in
- 21 Snohomish County. The Inventory supports the designation of shorelines of the state
- 22 within the county as critical areas under RCW 36.70A.480.
- 23 AA. The record supporting the critical area regulations (CAR) update adopted by
- 24 Amended Ordinance No. 06-061 on August 1, 2007, is incorporated into and included as
- 25 part of the record for the county’s SMP. The index to the CAR update is included as a
- 26 legislative record to the SMP update and the SMP record includes all documents cited
- 27 therein.
- 28 BB. To meet the no net loss standard for critical area functions and values, and
- 29 subsequently for shoreline ecological functions, the county adopted policies in the
- 30 Natural Environment Element of the GMACP as required pursuant to RCW 36.70A.130
- 31 in December, 2005, including goals, objectives and policies establishing the county’s
- 32 overall approach to environmental protection.
- 33 1. The goals, objectives and policies in the Natural Environment Element of the
- 34 GMACP establish a multifaceted approach to environmental protection including
- 35 both regulatory and non-regulatory programs. This multi-faceted approach includes
- 36 planning; intergovernmental coordination; development of regulation; enforcement;
- 37 improved protection of ecological functions and values through non-regulatory
- 38 incentive-based means, such as voluntary enhancement and restoration, public
- 39 education and other voluntary activity; and monitoring and adaptive management.
- 40 The county’s strategy for protecting critical areas through both regulatory and non-
- 41 regulatory means is consistent with WAC 365-195-410(2)(d), which states that “[i]n

1 connection with critical area protection, the department recommends that planning
2 jurisdictions identify the policies by which decisions are made on when and how
3 police powers will be used (regulation) and when and how other means will be
4 employed (purchases, development rights, etc.).”

- 5 2. Taken as a whole, the county’s multifaceted approach to environmental preservation
6 accounts for no net loss of critical area functions and values. The critical area
7 regulations have been designed to prevent loss of ecological functions at the project
8 level. Project applicants are required to make all reasonable efforts to avoid impacts
9 and where impacts are unavoidable, they should be minimized and mitigated such
10 that the no net loss standard is met [SCC 30.62A.310(3)]. By also utilizing non-
11 regulatory programs (e.g., restoration, enhancement, acquisition, open space
12 incentives, education and stewardship opportunities, and other similar programs), the
13 county can offset any unavoidable cumulative impacts resulting from growth and
14 development that the regulations may not be able to fully address at the project level.
- 15 3. The Natural Environment Element of the GMACP provides a consistent policy
16 framework to coordinate and focus the various policies, plans and programs, with a
17 guiding principle that the cumulative effect of the county’s efforts and programs
18 should result in no net loss of ecological functions and values consistent with the
19 requirements of state law. The county’s program and particular mix of regulatory and
20 other means for protecting the functions and values of critical areas is a result of
21 balancing of the goals of the GMA (e.g., private property rights and environmental
22 protection) in a manner that is unique to the local circumstances found in Snohomish
23 County. Regulations for the protection of critical areas comprise only one segment of
24 the county’s approach for preserving the natural environment. There are several other
25 regulatory components identified in the Natural Environment policies that contribute
26 to the county’s overall approach to environmental protection including: forest
27 practices, National Pollution Discharge Elimination System, shorelines and code
28 enforcement. In addition, the county’s grading, drainage and SEPA codes also
29 provide protection for critical area functions and values.
- 30 4. The Natural Environment Element of the GMACP supports several existing programs
31 which restore and improve environmental functions and values, including: parks
32 enhancement, restoration and acquisition programs, lake and water quality
33 stewardship programs, fish habitat enhancement and removal of barriers to migration,
34 educational programs, and cooperative bank stabilization programs.
- 35 5. The county’s current implementation and enforcement procedures contribute to the
36 effectiveness of the multifaceted approach to environmental preservation by
37 encouraging permit pre-application conferences and offering services to assist with
38 critical area submittal requirements, verifying the presence and location of critical
39 areas, and monitoring the installation and success of mitigation measures.

6. The county's new monitoring and adaptive management program developed and implemented pursuant to SCC 30.62A.710, included in the legislative record as Exhibit 1.3.3.5, will allow the county to determine the effectiveness of the multifaceted approach by establishing a baseline of environmental conditions and monitoring critical area functions, including shoreline ecological functions, at a landscape scale.
7. This multifaceted approach is supported by the Guidelines which recognize that other means, in addition to regulation, may be necessary to achieve shoreline policy objectives. [WAC 173-26-186(4), (5) and (8)(c)].

CC. Shorelines of the state are not considered critical areas except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by the county [RCW 36.70A.480(5)]. The county has designated critical areas by definition pursuant to chapters 30.62, 30.62A, 30.62B, 30.62C, 30.64, 30.65 and 30.91 SCC. Areas within shoreline jurisdiction that meet the definition of critical areas pursuant to SCC 30.91C.340 include:

1. Wetlands;
2. Areas with a critical recharging effect on aquifers used for potable water, including:
 - a. Sole source aquifers,
 - b. Group A well head protection areas, and
 - c. Critical aquifer recharge areas;
3. Fish and wildlife habitat conservation areas, including:
 - a. Streams,
 - b. Lakes,
 - c. Marine waters, and
 - d. Primary association areas for critical species;
4. Frequently flooded areas; and
5. Geologically hazardous areas, including:
 - a. Erosion hazard areas,
 - b. Landslide hazard areas,
 - c. Seismic hazard areas,
 - d. Mine hazard areas,
 - e. Volcanic hazard areas, and
 - f. Tsunami hazard areas.

DD. The SMA and the Guidelines require that local master programs contain provisions for the protection of critical areas pursuant to RCW 90.58.090(4) and WAC 173-26-221(2).

1 EE. The GMA, pursuant to RCW 36.70A.480(3)(b), transfers regulatory authority with
2 respect to critical area protection to the SMA for critical areas within shoreline
3 jurisdiction, provided:

4 (4) Shoreline master programs shall provide a level of protection to critical areas located within
5 shorelines of the state that is at least equal to the level of protection provided to critical areas by
6 the local government's critical area ordinances adopted and thereafter amended pursuant to
7 RCW 36.70A.060(2). [RCW 36.70A.480(4)]

8 And further provided:

9 (6) If a local jurisdiction's master program does not include land necessary for buffers for critical
10 areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(f), then the
11 local jurisdiction shall continue to regulate those critical areas and their required buffers
12 pursuant to RCW 36.70A.060(2). [RCW 36.70A.480(6)]

13 FF. The county's recently updated critical area regulations, chapters 30.62A, 30.62B and
14 30.62C SCC, were drafted and adopted with the intent of meeting the requirements of
15 both the GMA and the SMA with respect to critical area protection and the "no net loss"
16 standards of both statutes. The county staff working on the development of the SMP
17 reviewed drafts of the proposed CAR and recommended amendments to the CAR
18 provisions which were incorporated into the final adopted version of the CAR to
19 implement the requirements for critical area protection under the SMA. The specific
20 critical area provisions which meet the requirements of both the GMA and the SMA are
21 documented in the findings and conclusions of the CAR adopting ordinance (Amended
22 Ordinance No. 06-061, Sections 2 and 3), which is included in the legislative record as
23 Exhibit 1.3.3.4. Some of the specific provisions that were included in CAR to meet the
24 requirements for protection of critical areas under the SMA include the following:

- 25 1. The definition of "critical area" includes the water areas and associated wetlands
26 within the shorelines [SCC 30.91C.340(1) and (3), SCC 30.62A.230];
- 27 2. The ecological functions subject to the "no net loss" standard [30.62A.220 and SCC
28 30.62A.310(3)];
- 29 3. Required to follow mitigation sequence: avoid, then minimize and mitigate impacts
30 [SCC 30.62A.310(3)(a)];
- 31 4. Limitations on the development of new shoreline and streambank stabilization
32 measures and flood protection measures [SCC 30.62A.330(2)(b)];
- 33 5. Design and construction standards for in-water structures such as docks, piers and
34 floats [SCC 30.62A.330(2)(f)];
- 35 6. Standards to accommodate access requirements under SMA [SCC 30.62A.320(2)(c)
36 and (d)];
- 37 7. Provisions to prevent or minimize damage from channel migration or shoreline
38 erosion [SCC 30.62B.330]; and
- 39 8. Critical area buffer requirements [SCC 30.62A.320].

1 GG. After adoption in 2007, the county's CAR were challenged before the Central Puget
2 Sound Growth Management Hearings Board on the basis that the adopted code
3 provisions did not accurately reflect the best available science (BAS) and therefore the
4 county did not satisfy the no net loss standard for critical area functions and values. In its
5 final decision, the CPSGMHB upheld the CAR and the county's BAS as meeting the
6 requirements under the GMA [*Pilchuck VII v. Snohomish County, CPSGMHB, 07-3-*
7 *0033, Final Decision, April 1, 2008*].

8 HH. The Guidelines contain several provisions which require a monitoring component to
9 assess the adequacy of the SMP provisions at both a programmatic and project level.
10 [WAC 173-26-191(2)(a)(iii)(D), 173-26-201(2)(b), 173-26-201(2)(e)(i)(f), 173-26-
11 221(2)(c)(i)(F)(III), 173-26-221(2)(c)(iii)(B)]. These monitoring requirements are
12 similar to those required under the GMA in that they require:

- 13 1. Monitoring of ecological functions and conditions;
- 14 2. An assessment of both program and project level impacts to determine that the no net
15 loss standard is being met, including an analysis to determine the following:
 - 16 a. If the regulatory program is adequate to meet the no net loss standard;
 - 17 b. If the compensatory mitigation is successful at replacing impacted or lost
18 ecological functions; and
 - 19 c. The cumulative impacts from development; and
- 20 3. An adaptive management strategy that can be employed to revise programs and
21 regulations to meet the statutory requirements.

22 II. Monitoring and adaptive management are components of the county's adopted strategy
23 for achieving "no net loss" through a multifaceted approach to environmental protection.
24 [GMACP – Natural Environment Element, NE Policy 1.C.2(d), NE Goal 7, NE
25 Objectives 7.A and 7.B, and NE Policies 7.A.1 through 5, and 7.B.1 and 2].

26 JJ. SCC 30.62A.710 requires that the county develop and implement a monitoring and
27 adaptive management program to establish a baseline and provide performance measures
28 to determine whether the county is achieving no net loss through its policies and
29 programs affecting wetlands and fish and wildlife habitat conservation areas, in
30 conformance with the Natural Environment Element of the GMACP. As demonstrated in
31 Table W-1 above, the functions and values of critical areas regulated under CAR are the
32 same as the ecological functions of shorelines. Therefore, a monitoring program
33 designed to monitor critical area functions and values will also monitor shoreline
34 ecological functions and conditions.

35 KK. The planning commission held a public hearing on June 25, 2006, and recommended
36 approval of Ordinance No. 06-094. The shoreline regulations proposed in Ordinance No.
37 06-094 were fully integrated into the county's Unified Development Code (UDC) in
38 accordance with WAC 173-26-191(2)(c) which states:

1 **Incorporating master program provisions into other plans and regulations.** Local
2 governments may integrate master program policies and regulations into their
3 comprehensive plan policies and implementing development regulations rather than
4 preparing a discrete master program in a single document. Master program provisions
5 that are integrated into such plans and development regulations shall be clearly
6 identified so that the department can review these provisions for approval and evaluate
7 development proposals for compliance. RCW 90.58.120 requires that all adopted
8 regulations, designations, and master programs be available for public inspection at the
9 department or the applicable county or city. Local governments shall identify all
10 documents which contain master program provisions and which provisions constitute
11 part of the master program. Clear identification of master program provisions is also
12 necessary so that interested persons and entities may be involved in master program
13 preparation and amendment, as called for in RCW 90.58.130.

14 Local governments integrating all or portions of their master program provisions
15 into other plans and regulations shall submit to the department a listing and copies of
16 all provisions that constitute the master program. The master program shall also be
17 sufficiently complete and defined to provide:

- 18 (i) Clear directions to applicants applying for shoreline permits and exemptions; and
19 (ii) Clear evaluation criteria and standards to the local governments, the department,
20 other agencies, and the public for reviewing permit applications with respect to state
21 and local shoreline management provisions.

22 LL.DOE reviewed the planning commission's recommended ordinance (Draft Ord. No. 06-
23 094, Exhibit 1.3.3.6) and submitted comments to the county in a letter dated November
24 14, 2006, which is included in the legislative record at Exhibit 1.3.2.1, indicating their
25 concerns regarding the level of integration of the regulations into the county's UDC.

26 MM. In response to the DOE's concerns, the county has revised and reformatted the SMP
27 and the adopting ordinance. The revised SMP integrates shoreline regulations into the
28 UDC to a lesser degree than originally proposed. The substantive content of the
29 proposed shoreline policies and regulations is largely unchanged. Changes that do exist
30 between the original ordinance recommended by the planning commission and the new
31 ordinance are summarized as follows. The new ordinance:

- 32 1. Reduces the level of integration of the proposed shoreline regulations into the UDC
33 by including all shoreline regulations in two new chapters of title 30 SCC: chapter
34 30.44 SCC, which contains the shoreline permit requirements and procedures; and
35 chapter 30.67 SCC, which contains the land use and modification regulations,
36 shoreline development standards and shoreline environment-specific regulations;
- 37 2. Incorporates the regulations from the original proposal (draft Ord. No. 06-094) with
38 only minimal changes to improve clarity;
- 39 3. Responds to DOE's comments;
- 40 4. Amends terms to clarify regulatory meaning for agricultural uses, commercial uses
41 and industrial uses; and

1 5. Revises regulatory requirements for agriculture, forestry and mineral resource uses as
2 follows:

- 3 a. Several provisions in the county's original SMMP for agricultural and forestry
4 activities are reinstated; and
5 b. The provisions for mining have been revised to reconcile the relationship between
6 mining activities and similar activities or modifications undertaken in conjunction
7 with dredging, flood protection or restoration projects.

8 NN. The planning commission recommended that shoreline and bank stabilization and flood
9 protection measures be allowed when necessary to protect agricultural lands. This
10 provision goes beyond the requirement in WAC 173-26-231(3)(a)(iii)(B) to limit use of
11 new stabilization structures. The planning commission's recommendation has been
12 carried forward in the new ordinance for the following reasons:

- 13 1. RCW 90.58.065(1) says, "(t)he guidelines adopted by the department and master
14 programs developed or amended by local governments according to RCW 90.58.080
15 shall not require modification of or limit agricultural activities occurring on
16 agricultural lands."
17 2. The importance of agricultural activities in Snohomish County is well documented in
18 the findings and conclusions of adopted Ordinance Nos. 06-061 and 04-074.
19 3. RCW 36.70A.020 establishes thirteen goals of the GMA without establishing an
20 order of priority among the adopted goals. Goal 8 requires protection of agricultural
21 lands of long-term significance. RCW 36.70A.480 adopts the goals of the SMA from
22 RCW 90.58.020 as the fourteenth goal of the GMA, again with no established order
23 of priority.
24 4. Both the GMA and the SMA have established a no net loss standard for ecological
25 functions and the SMA promotes restoration of lost functions.
26 5. Active agricultural lands may not perform the same ecological functions that
27 undisturbed, naturally vegetated lands perform, such as recruitment of large woody
28 debris or shading and subsequent control of water temperature.
29 6. Non-structural shoreline and bank stabilization relies on preservation or enhancement
30 of natural hydrological and biological processes by employing methods such as
31 vegetation retention and soil bioengineering techniques. The non-structural methods
32 are often used in habitat restoration projects as allowed in WAC 173-26-
33 231(3)(a)(iii)(B)(IV).
34 7. Shoreline and bank stabilization, particularly non-structural techniques, may improve
35 or restore ecological functions of agricultural lands as well as protect these productive
36 lands from loss due to erosion thereby accomplishing both GMA and SMA goals and
37 a potential net gain in shoreline ecological functions.

8. The county's CAR require that non-structural techniques be used unless a geotechnical study shows that structural techniques are necessary to accomplish the protection goals [SCC 30.62B.320(2)].

OO. Chapter 30.44 SCC is adopted separate from the SMP as allowed under WAC 173-26-191(2)(a)(iii)(C). Keeping these procedural and administrative requirements separate from the SMP allows the county to revise these regulations more expeditiously to coordinate with other permit processes.

Section 3. The county council makes the following conclusions:

A. The proposed SMP is consistent with the SMA, the Guidelines and the Shoreline Master Program Grant Agreement No. G0400121.

B. The county's SMP contains the required contents identified in WAC 173-26-191(2)(a):

1. Master program policies which are consistent with the goals and policies in the SMA and the Guidelines; address the master program elements of RCW 90.58.100 and the environment designations as described in WAC 173-26-211; and are consistent with all relevant constitutional and other legal limitations on the regulation of private property;
2. Maps or a physical description of the schematic environment designation boundaries;
3. Master program regulations that are sufficient to implement the directives of the SMA and statewide and local policies; apply to specific shoreline environments and include both general standards and use- or modification-specific standards; and are consistent with all constitutional and other legal limitations on the regulation of private property; and
4. Administrative provisions directing the review process and standards for approving uses or modifications within shoreline jurisdiction; enforcement procedures to ensure compliance with the SMP; and standards for documentation of all project review actions within shoreline areas.

C. The criteria used to assign the shoreline environment designations are consistent with the provisions in WAC 173-26-211.

D. The county complied with SEPA (chapter 43.21 RCW), when it issued a determination of significance and scoping notice on July 13, 2005; a DEIS on May 1, 2006, with a 30-day comment period ending May 30, 2006; an FEIS responding to written comments on the DEIS on June 28, 2006; a DSEIS on June 21, 2010, with a 30-day comment period ending on July 23, 2010; and a FSEIS issued on August 25, 2010.

E. The county complied with the requirements of WAC 173-26-090, RCW 36.70A.130 and subtitle 30.7 SCC to provide early and continuous opportunities for public participation and input.

- 1
- 2 F. The proposed SMP is consistent with the GMACP.
- 3 1. The shoreline environment classification system in the proposed SMP is coordinated
- 4 with the county's comprehensive plan land use designations and planned
- 5 development density.
- 6 2. Land use designations from the comprehensive plan are a factor in the assignment of
- 7 the shoreline environment designations to each shoreline segment and the application
- 8 of the shoreline management policies to each shoreline environment.
- 9 3. Comprehensive plan policies in the Natural Environment Element provide the
- 10 foundation for the proposed SMP and establish the county's strategy for meeting the
- 11 SMA's "no net loss" standard.
- 12 G. The proposed SMP is a regulatory component of the county's multifaceted approach to
- 13 environmental protection, which approach ensures that the county will meet the
- 14 requirement for no net loss of shoreline ecological functions.
- 15 H. The proposed SMP is based on a scientific foundation as required under RCW
- 16 90.58.100(1) and WAC 173-26-201(2)(a).
- 17 I. The county's existing CAR fulfill the requirements for critical area protection within the
- 18 county's shoreline jurisdiction. The CAR meet the requirements in the SMA and the
- 19 Guidelines:
- 20 1. The CAR are based on the best available science, which standard meets or exceeds
- 21 the requirements in RCW 36.70A.172(1), 90.58.100(1) and WAC 173-26-201(2)(a);
- 22 2. The critical area functions and values protected by the CAR are the same ecological
- 23 functions identified for shorelines in WAC 173-26-201(3)(d)(i)(C);
- 24 3. The CAR were developed in coordination with the updates to the SMP and contain
- 25 regulatory standards addressing the requirements in the Guidelines;
- 26 4. The CAR are consistent with the requirements in WAC 173-26-221(2) and (3) as
- 27 demonstrated in the Shoreline Master Program Submittal Checklist which is
- 28 contained in the legislative record as Exhibit No. 1.3.3.2;
- 29 5. Since the CAR applicable within shoreline jurisdiction are the same as the CAR that
- 30 apply outside of shoreline jurisdiction, the SMP provides critical area protection that
- 31 is at least equivalent to the county's adopted CAR in compliance with RCW
- 32 36.70A.480(4); and
- 33 6. The CAR provide buffers as required pursuant to RCW 36.70A.480(6).
- 34 J. Given that the ecological functions are the same for critical areas as for shorelines, the
- 35 monitoring plan required pursuant to SCC 30.62A.710, designed to collect and analyze
- 36 data relevant to critical areas functions and values, will also evaluate the ecological
- 37 functions and conditions of shorelines. The monitoring plan includes an adaptive

1 management strategy to be used to adjust the regulatory and non-regulatory programs if
2 necessary to satisfy the no net loss standard for critical areas and shorelines.

3 K. The administrative, enforcement and permit review procedures in new chapter 30.44 SCC
4 are consistent with the requirements in chapter 173-27 WAC.

5
6 **Section 4.** The county council bases its findings and conclusions on the entire record of the
7 planning commission and the county council, including all testimony and exhibits. Any
8 finding which should be deemed a conclusion and any conclusion which should be deemed a
9 finding is hereby adopted as such.

10
11 **Section 5.** The Snohomish County Shoreline Management Master Program, adopted by
12 resolution on September 25, 1974, and September 30, 1974, and last amended by Ordinance
13 No. 93-036 in June 9, 1993, is repealed.

14
15 **Section 6.** A new Shoreline Management Program is adopted and consists of the following
16 components:

- 17 a. A document titled, *Shoreline Management Program: Shoreline Environment*
18 *Designations, Policies and Regulations*, dated October 13, 2010, attached hereto as
19 Exhibit A and incorporated herein as though set forth in full;
- 20 b. Shoreline environment designation maps, dated October 13, 2010, and attached
21 hereto as Exhibit B and incorporated herein as though set forth in full;
- 22 c. Shoreline regulations contained in new chapter 30.67 SCC, as adopted herein; and
- 23 d. Critical area regulations in chapters 30.62A, 30.62B and 30.62C SCC as adopted in
24 Amended Ordinance 06-061 on August 1, 2007, and chapter 30.65 SCC as adopted
25 in Amended Ordinance 07-005 on February 21, 2007.

26
27 **Section 7.** Snohomish County Code Section 4.28.040, adopted by Amended Ordinance No.
28 92-080 on July 23, 1992, is amended to read:

29 **4.28.040 Designation criteria and standards - Open space-general.**

30 The following areas may be considered for designation as open space-general:

- 31 (1) Urban areas where the entire site is in an undeveloped, natural state and has slopes
32 of 25 percent or greater or where at least one-half of the total site area is in slopes of at least
33 35 percent in gradient.
- 34 (2) Areas designated on the comprehensive land use plan or the county park and
35 recreation plan as potential parks, trails, or open space, or designated as a critical area or
36 environmentally sensitive area.
- 37 (3) Areas which have plant or animal species which are considered rare, sensitive,
38 threatened or endangered by an authority recognized by the county.
- 39 (4) Sites within urban areas to be left in their natural state where the site is of at least
40 one acre in size and is predominantly forested with mature, specimen trees.

1 (5) Areas which are in an undeveloped, natural state and are not under the jurisdiction
2 of the state shoreline management act and are situated within stream corridors, i.e., streams
3 and/or their associated stream buffers of 50 feet on either side of the stream. Buffer width
4 may be increased from the 50-foot standard due to topographic, vegetative or wildlife habitat
5 features which would logically suggest a wider buffer.

6 (6) Undeveloped, natural areas adjacent to water bodies which come under the
7 jurisdiction of the state shoreline management act and are designated by the shoreline
8 management program ((master plan as a "natural", "conservancy", "rural", "suburban", or
9 "urban" type environment)).

10 (7) Sites within an urban area which would serve as a buffer between residential
11 development and tracts of land in excess of five acres which are designated on an adopted
12 comprehensive plan for commercial or industrial development:

13 (a) Where the site area is covered by stands of trees in excess of 20 feet in height;
14 and

15 (b) Where the ground vegetation creates a visual separation of at least 50 feet
16 between the residential tracts of land and the commercial or industrial lands; or

17 (c) Where the topographic features of the site form a physical separation from the
18 abutting commercial or industrial lands by reason of a gully or ravine or similar land
19 condition.

20 (8) Areas that would safely provide either public vehicular or pedestrian access to
21 public bodies of water:

22 (a) Where the site area abutting the water is at least 60 feet in width for vehicular
23 access; or

24 (b) Where the site area abutting the water is at least 25 feet in width for pedestrian
25 access.

26 (9) Areas which provide a scenic vista to which the general public has safe vehicular or
27 pedestrian access.

28 (10) Sites devoted to private outdoor recreational pursuits such as golf courses, riding
29 stables, lakes, etc., PROVIDED That access to such facilities and areas is provided to the
30 general public free of charge or at reasonable, customary rates.

31 (11) Areas which contain features of unique historic, cultural or educational values
32 which are open to the public's use, (e.g., public access to displays, interpretive centers, etc.),
33 free of charge or at reasonable, customary rates:

34 (a) Where there are several varieties or species of flora, fauna, or both present on the
35 site making it desirable for educational study; or

36 (b) Where there are habitats or species of plant life which are considered rare,
37 sensitive, threatened or endangered by an authority recognized by the county; or

38 (c) Where there is or are recognized landmarks present on the site which provide
39 visual reference and orientation for surrounding terrain (would include major promontories
40 and rock formations but would exclude mountain forms and ranges); or

41 (d) Where there are historic or archeological features on the site of at least 50 years
42 of age, which would have value to future generations due to the uncommon nature or rare
43 representation of past times and events.

1 (12) Areas located adjacent to public parks, public trails or other public lands which
2 would materially add to or enhance the recreational opportunities of that facility:

3 (a) Where such a site would constitute a logical extension of the park or other public
4 lands including provisions for public use but had been excluded principally by lack of funds;
5 or

6 (b) Where the site would provide additional public access to such lands during the
7 duration of its open space classification; or

8 (c) Where the site contains unique features of recreational value which if public use
9 of the site were allowed would expand the variety of recreational opportunities contained in
10 the park or public lands; or

11 (d) Where the site would act as a buffer between the park and surrounding
12 development.

13 (13) Areas which contain or abut managed or monitored wildlife preserves or
14 sanctuaries, arboretums or other designated open space and which will enhance the value of
15 those resources:

16 (a) Where the open space designation would encompass a minimum of 10 acres in
17 land area; and

18 (b) Where plant life and/or animal life contained within the site are found in
19 abundant varieties; or

20 (c) Where the site area can be distinguished from surrounding lands due to the
21 unusualness of the vegetation or the animal life inhabitants.

22 (14) Wetland areas of at least one-fourth acre in size. Associated wetland buffers of 50
23 feet may also be included. The wetland buffer width may be increased from the 50-foot
24 standard due to topographic, vegetative or wildlife habitat features which would logically
25 suggest a wider buffer.

26 (15) Areas which lie adjacent to scenic highways which if not designated as open space
27 would otherwise be subject to pressures for intense development:

28 (a) Where such highways have been designated by a city, the county or the state as
29 scenic; and

30 (b) Where at least one-half of the total site lies within 200 feet of the highway; and

31 (c) Where pressures for urbanization are evident either due to provision of public
32 water and sewer facilities to the area, subdivision activity in the immediate vicinity of the
33 site, or the development of previously platted lands.

34 (16) Undeveloped areas, five acres and larger which are not within the 100-year flood
35 plain, suitable for agricultural pursuits which may not currently be devoted to such use:

36 (a) Where the comprehensive land use plan or the agricultural preservation plan
37 designates the site as suitable for agricultural development; or

38 (b) Where more than 75 percent of the total site area contains tillable class II or III
39 variety soils as classified by the soil conservation service.

40 (17) Undeveloped areas which contain a minimum of five acres which are located
41 within the 100-year flood plain as established by the U.S. Army Corps of Engineers of
42 Snohomish county.

43 (18) Areas where the entire site is in an undeveloped, natural state and is considered
44 geologically hazardous by an authority recognized by the county.

(19) Areas which are protective buffers as required by development regulations implementing the growth management act.

Section 8. A new section is added to chapter 30.10 of the Snohomish County Code to read:

30.10.065 Snohomish County Shoreline Management Program (SMP) – a component of the comprehensive plan.

The goals and policies of the Snohomish County Shoreline Management Program (SMP), adopted pursuant to chapter 90.58 RCW and chapter 173-26 WAC, are considered an element of the comprehensive plan. The SMP consists of the following:

- (1) A document titled, *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*, dated October 13, 2010;
- (2) Shoreline environment designation maps, dated October 13, 2010;
- (3) Shoreline regulations contained in chapter 30.67 SCC; and
- (4) Critical area regulations in chapters 30.62A, 30.62B and 30.62C SCC as adopted in Amended Ordinance 06-061 on August 1, 2007, and chapter 30.65 SCC as adopted in Amended Ordinance 07-005 on February 21, 2007.

Section 9. Snohomish County Code Section 30.22.010, last amended by Amended Ordinance No. 07-029 on April 25, 2007, is amended to read:

30.22.010 Purpose and applicability.

This chapter establishes which uses or types of uses are permitted, which require special approvals, and which are prohibited in the various county zones. Zones are grouped into four categories, as shown below, with each of the zones listed from left to right in increasing intensity of use in a matrix. Some uses have additional or special requirements that are listed by numbered reference notes in SCC 30.22.130. Proposed uses on lands subject to the shoreline management program shall meet the requirements in chapter 30.67 SCC in addition to the requirements of this chapter. Where conflicts may exist, the provisions that are more protective of ecological functions shall apply. The categories and zones are as follows:

(1) Urban Zones - R-9,600, R-8,400, R-7,200, T, LDMR, MR, NB, PCB, CB, GC, FS, IP, BP, LI, HI, MHP;

(2) Rural Zones - RD, RRT-10, R-5, RB, CRC, RFS, RI;

(3) Resource Zones - F, F&R, A-10, MC; and

(4) Other Zones - SA-1, RC, RU, R-20,000, R-12,500, WFB.

For a description of each zone, see SCC 30.21.025.

1
2 **Section 10.** Snohomish County Code Section 30.23.030, last amended by Amended
3 Ordinance 08-101 January 21, 2009, is amended to read:

4 **30.23.030 Bulk matrix.**

5 The bulk matrix contains standard setback, lot coverage, building height, and lot dimension
6 regulations for zones in unincorporated Snohomish County. Additional setback, lot width,
7 and lot area requirements and exceptions are found at SCC 30.23.100 - 30.23.260 and chapter
8 30.67 SCC.
9

Table 30.23.030(1)
BULK MATRIX

TABLE INSET:

Category			Lot Dimension (ft) 54			Setback Requirements From: (ft) 28, 53							
Category	Zone	Max. Bldg. Height (ft) 27	Min. Lot Area 29	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under 60' 34, 42	Public and Private Right of Way 9, 11, 34, 42	Commercial and Industrial Zones 11	Residential, Multifamily, and Rural Zones 11	Resource Lands		Water Bodies 12	Max. Lot Coverage 8
										Ag 20	Forest 21		
Resource	MC 31		10 ac 32			50	50		100 33				
	F 38	45 6	20 ac 3	300	300	130 10, 13	100 13	100 13	100 13, 33	50	100 30	25 13	35%
	F&R 38, 39	30 7	200,000 sf 2, 23	100	100	50 10	20	5	5 33	50	100 30	25	35%
	A-10 37, 40, 52	45	10 ac	none	none	50 10	20	5	5 33	50	100 30	25	none
Rural	RRT-10	45	10 ac	225	225	50	20	5	5 33	50	100 30	25	35%
	R-5 37, 38, 39, 40, 46	45 25	200,000 sf 2, 24	165 24	165 24	50 10	20	5	5 33	50	100 30	25	35%

	RC 37, 38, 39, 40	35	100,000 sf 24	165 24	165 24	50 10	20	5	5 33	50	100 30	25	35%
	RD 38	45	200,000	165	165	50 10	20	5	5 33	50	100 30	25	35%
	RB	35	none	none	none	55	25	none	50 33	50	100	none	35%
	CRC	35 (43)	none	none	none	25 26	25 26	none	25	50	100	none	50% 44 30% 45
	RFS	35	none	none	none	55	25	none	50	50	100	none	35%
	RI	50	none	none	none	55	25	none	100	100	100	none	35%
Other	SA-1 37, 39	35	1 ac/ 43,560 sf	150	150	50 10	20	5	5 33	50	100	25	35%
	RU 37, 39	35	41	60	65	50 10	20	5	5 33	50	100	25	35%
	R20,000 37, 39	25	20,000 sf	85	90	50 10	20	5	5	50	100	25	35%
	R12,500 40	30	12,500 sf	75	80	50 10	20	5	5	50	100	25	35%
	WFB	30	7,200 sf 23	60	65	50 10	20	5	5	50	100	25	35%

1
2
3
4
5

Table 30.23.030(1) (continued)
BULK MATRIX

TABLE INSET:

Lot Dimension (ft) 54			Setback Requirements From: (ft) 28, 53													
			Max. Bldg. Height (ft) 27	Zone	Category	Min. Lot Area 29	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under 60' 34, 42	Public and Private Right of Way 9, 11, 34, 42	Commercial and Industrial Zones 11	Residential, Multifamily, and Rural Zones 11	Resource Lands		Water Bodies 12	Max. Lot Coverage 8
Urban	MHP	25	55	none	none	none	50 56	57	5	5	50	100	20	21	25	50%
	FS	35	none	none	none	none	25 25	25 26	5/15 16	25	none	100	none	100	none	none
	NB 1	30 47	None 48	none	none	none	25 25,49	25 26, 49, 58	none	10 50	none	100	none	100	none	35% 51
	PCB 1	40 47	none 19, 48	none	none	none	55 25, 49	25 18, 26, 49	none	25 50	none	100	none	100	none	None 51
	CB 1	35	none	none	none	none	25 25	25 26, 55, 58	none	10	none	100	none	100	none	50%
	GC 1	45	none	none	none	none	25 25	25 26, 55, 58	none	10	none	100	none	100	none	50%

IP	65	none	none	none	30 17, 25	25 17, 26	none 17	25 17	none	100	none	50%
BP 1	50	none 19	none	none	30 25	25 26	none	25	none	100	none	35%
LI	50	none	none	none	25 25	25 26	none	50	none	100	none	none
HI	65	none	none	none	25 25	25 26	none	50	none	100	none	none

1
2
3
4

Table 30.23.030(2)
BULK MATRIX

TABLE INSET:

Zone	Lot Dimension (feet) 54			Building Height Limits for Setback Determination 59	Minimum Setback Requirements From (feet) 28, 53							Max. Lot Coverage 51			
	Min. Lot Area 29 (sq. ft.)	Min. Lot Width	Max. Bldg. Height 27		Side and Rear Lot Lines Adjacent to:						Resource Lands		Seismic Hazards		
					Public or Private Easement or Front Lot Line 34, 42, 60	Commercial & Industrial zones	R- 9,600 & R- 8,400	Other Urban Residential zones	Rural zones	Ag	Forest				
R- 9,600	9,600 23	70	30	NA	15	10	5	5	5	5					35%
R- 8,400	8,400 23	65	30	NA	15	10	5	5	5	5					35%
R- 7,200	7,200 23	60	30	NA	15	10	5	5	5	5					35%
T	See SCC 30.31E.050	See SCC 30.31E.050	35	<= 20	15	10	10	5	25	See SCC 30.32B.130	See SCC 30.32A.110	See chapters 30.51A & 30.62B SCC	See SCC 30.31E.050		
				>20	20	15	20	10							
LDMR 15	7,200 4	60	45	<= 20	15	10	10	5	25				30%		
				20--30	20	10	20	10							
				>30	20	15	25	15							
MR 15	7,200	60	45	<= 20	15	10	10	5	25				40%		
				20--30	20	10	20	10							
				>30	20	15	25	15							

1 **Section 11.** Snohomish County Code Section 30.23.040, last amended by Amended
2 Ordinance 08-101 on January 21, 2009, is amended to read:

3 **30.23.040 Reference notes for bulk matrix:**

4 (1) MR bulk requirements shall apply for all residential development permitted in urban
5 commercial zones.

6 (2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.

7 (3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.

8 (4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of
9 land per dwelling unit.

10 (5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land
11 per dwelling unit.

12 (6) Commercial forestry structures shall not exceed 65 feet in height.

13 (7) Non-residential structures shall not exceed 45 feet in height.

14 (8) Lot coverage includes all buildings on the given lot.

15 (9) Includes public rights-of-way 60 feet and wider; public rights-of-way under 60 feet in a
16 recorded plat with curbs and gutters; and private roads and easements. These setbacks shall be
17 measured from the edge of the right-of-way.

18 (10) Applies to public rights-of-way under 60 feet. These setbacks shall be measured from the
19 center of the right-of-way.

20 (11) These setbacks shall be measured from the property line.

21 (12) Greater setbacks than those listed may apply to areas subject to shoreline
22 management program ((Shoreline Management Master Program)) jurisdiction or critical
23 areas regulations in chapters 30.62A, 30.62B, 30.62C and 30.67 SCC. Some uses have
24 special setbacks identified in SCC 30.23.110.

25 (13) The listed setbacks apply where the adjacent property is zoned F. In all other cases,
26 setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for residential
27 structures on 10 acres or less which were legally created prior to being zoned to F shall be the
28 same as in the R-8,400 zone.

29 (14) RESERVED for future use.

30 (15) MR and LDMR setbacks.

31 (a) Single family detached structures and duplexes shall have the minimum setbacks
32 required in the R-8,400 zone. Building separation between single family detached structures
33 or duplexes shall be a minimum of 10 feet. For single family detached structures over two
34 stories that have a third-story side yard ingress/egress window, the building separation shall
35 be increased to 15 feet; provided, however, that (i) the building separation shall not be
36 increased if the three-story units with side-yard ingress/egress windows are equipped with
37 approved NFPA 13D automatic sprinkler systems, or (ii) where it is shown that due to
38 topography of the particular site a building separation of less than 15 feet (but not less than
39 the minimum 10 feet) can provide the necessary geometric prism for fire fighters to set a
40 ladder reaching the third-story yard ingress/egress window at no greater than a 75 degree
41 angle.

42 (b) Other structures shall have minimum side and rear setbacks as specified in Table
43 30.23.030(2). Building separation between primary structures in the MR and LDMR zones
44 shall be a minimum of 15 feet. Building separation between primary structures and
45 secondary/accessory structures, including but not limited to carports and garages, and

1 separation between secondary structures themselves, shall be determined by the applicable
2 sections of the construction codes.

3 (c) Multi-story structures other than single family detached structures shall increase
4 all setbacks by three feet and building separations by five feet for each additional story over
5 two stories.

6 (d) In order to provide fire access to a side yard ingress/egress window on the third
7 floor of a single family detached structure, either (i) unit boundaries should be drawn with a
8 "zero lot line" on one side of the unit, (ii) fencing between units shall be prohibited (at least
9 in the area that is within five feet of the third story ingress/egress window) so as not to
10 impede ladder access to the third floor window, or (iii) fencing between units shall be limited
11 to either vegetative fencing or hard fences (e.g. wood or metal) not exceeding three feet, six
12 inches (3'6") in height.

13 (16) In the FS zone, the setback from non-residential property shall be five feet for side
14 setbacks and 15 feet for rear setbacks.

15 (17) In the IP zone there shall be an additional one foot setback for every one foot of
16 building height over 45 feet.

17 (18) In the PCB zone the setback from private roads and easements is 25 feet.

18 (19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land
19 necessary for PCB or BP zoning.

20 (20) See additional setback provisions for dwellings located along the boundaries of
21 designated farmland contained in SCC 30.32B.130.

22 (21) See additional setback provisions for structures located adjacent to forest lands,
23 and/or on lands designated local forest or commercial forest contained in SCC 30.32A.110.

24 (22) The minimum lot size for properties designated Rural Residential (RR)--10
25 (Resource Transition) on the comprehensive plan shall be 10 acres. For properties designated
26 Rural Residential--10 (Resource Transition) and located outside the Tulalip Reservation the
27 lot/unit yield for rural cluster subdivisions or housing demonstration program projects using
28 PRD provisions shall be based on a minimum lot size of 200,000 square feet.

29 (23) Minimum lot area requirements may be modified within UGAs in accordance with
30 SCC 30.23.020.

31 (24) In rural cluster subdivisions approved in accordance with the provisions of chapter
32 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The maximum lot
33 area shall be 20,000 square feet or less when located in rural/urban transition areas.

34 (25) These setbacks shall be measured from the edge of the right-of-way as determined
35 by the director of the department of public works.

36 (26) Except where specifically prohibited by the hearing examiner, the director of the
37 department may waive or modify building setback requirements abutting private roads and/or
38 private access easements serving lots within commercial and industrial zones only if such
39 waiver or modification will not have a likely impact upon future right-of-way needs and/or
40 right-of-way improvements.

41 (27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for height
42 limit requirements within shorelines.

43 (28) See SCC 30.23.100 et seq. for additional setback requirements and exceptions.

44 (29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.

(30) SCC 30.32A.120 (Siting of new structures--Commercial forest land) requires an application for a new structure on parcels designated commercial forest, but not within a designated commercial forest--forest transition area, to provide a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible, as determined by the department.

(31) Setback requirements for mineral excavation and processing are in SCC 30.23.110(26). Performance standards and permit requirements are in chapter 30.31D SCC.

(32) The site shall be a contiguous geographic area and have a size of not less than 10 acres, except in the case of subsurface shaft excavations, no minimum acreage is required, pursuant to SCC 30.31D.020(1)(a).

(33) See SCC Table 30.28.050(4)(i) for setback requirements for structures containing a home occupation.

(34) See SCC 30.23.120 for other setback exceptions.

(35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone height, setback, and lot coverage requirements.

(36) RESERVED for future use (MR and LDMR setbacks--DELETED by Ord. 05-094, effective September 29, 2005)

(37) Agriculture: All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines and dwellings, as provided in SCC 32.23.110(1).

(38) There shall be no subdivision of land designated commercial forest in the comprehensive plan except to allow installation of communication and utility facilities if all the following requirements are met:

(a) The facility cannot suitably be located on undesignated land;

(b) The installation cannot be accomplished without subdivision;

(c) The facility is to be located on the lowest feasible grade of forest land; and

(d) The facility removes as little land as possible from timber production.

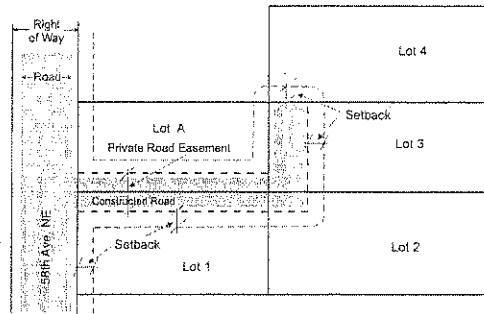
(39) On parcels designated commercial forest, but not within a designated commercial forest--forest transition area, establish and maintain a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except when the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible as provided in SCC 30.32A.120.

(40) Land designated local commercial farmland shall not be divided into lots of less than 10 acres unless; a properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s), is recorded with the Snohomish County auditor.

(41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone identified as the implementing zone by the comprehensive plan for the plan designation applied to the subject property. Where more than one implementing zone is identified for the same designation, the minimum lot size shall be that of the zone allowing the smallest lot size.

(42) Figure 30.23.040(42) EASEMENT SETBACKS PER BULK MATRIX.

Figure 30.23.040(42)
EASEMENT SETBACKS PER BULK MATRIX



Setbacks are measured from edge of easement or road right-of-way, not from edge of constructed road.

(43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.

(44) The 50% maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at 180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the County's FLUM and zoning map.

(45) The 30% maximum lot coverage limitation applies solely to the portion area located within the CRC comprehensive plan designation and zone that is centered at State Route (SR) 9 and 164th Street SE, as indicated on the County's Future Land Use Map (FLUM) and zoning map.

(46) Additional setbacks may apply to development within a rural cluster subdivision. Refer to SCC 30.41C. Residential subdivision is restricted pursuant to 30.32C.150. Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources.

(47) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum building height of 45 feet if using surface parking or 90 feet if using structured parking.

(48) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a minimum lot size of 5 acres unless within 120 feet of a park-and-ride facility where minimum lot area is 3 acres per SCC 30.31A.020 (2) and (3).

(49) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback of 5 feet minimum and 10 feet maximum.

(50) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback from residential, multiple family and rural zones of 10 feet minimum and 25 feet maximum.

(51) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum lot coverage of 90 percent of net acreage.

(52) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.

(53) This provision is not applicable to single-family and duplex dwellings and their accessory structures. Subject to chapter 30.51A SCC, all development activities and actions requiring project permits for buildings or structures located within a seismic hazard area and listed in SCC 30.51A.020 require a fifty (50) foot setback from the closest edge of an identified active fault trace.

(54) A split parcel may be subdivided along the UGA boundary line using one of three methods. First, a split parcel may be subdivided along the UGA boundary line into two lots, whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(6). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).

(55) See SCC 30.42E.100(9)(c).

(56) Measured from centerline of right of way.

(57) See SCC 30.42E.100(5)(a)(iv).

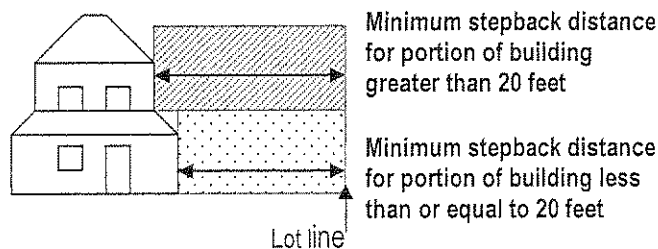
(58) Minimum setback for dwellings constructed pursuant to chapter 30.41F SCC is five feet from the pavement edge of a drive aisle, fire lane, or sidewalk, whichever is closer.

(59) Relationship of setback to building height:

The minimum setback requirements are dependent on the heights of the building as specified in this column. To meet the setback requirements, buildings over 20 feet in height must either:

- (a) Set the entire building back the minimum setback distance; or
- (b) Stepback those portions of the building exceeding 20 feet in height to the minimum setback distance, as illustrated in Figure 30.23.040(59).

Figure 30.23.040(59)
Example of relationship of building height to stepback



(c) Those portions of a building or structure allowed to exceed the maximum building height pursuant to SCC 30.23.050(3) for low impact development shall have the minimum side and rear yard setbacks increased by one foot for each additional 2 feet of building height.

(60) Lots adjoining a right-of-way that is less than 50 feet in width, or is otherwise determined by the Director of Public Works to be of inadequate width for future roadway needs, as determined by the comprehensive plan arterial circulation map or an adopted design

report, roadway design or right-of-way plan, shall have the following minimum setback from the front lot line:

(a) The minimum setback shall be increased by an amount determined by the director to be sufficient to ensure that future roadway needs can be met without the need for public acquisition and demolition of structures; or

(b) The front lot line setback shall be measured from the reservation line as determined in SCC 30.24.070(2).

Section 12. Snohomish County Code Section 30.23.050, adopted by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.23.050 Height requirements, exceptions and measuring height.

(1) The maximum height of buildings and structures shall be pursuant to the height standards in SCC Table 30.23.030(1) and Table 30.23.030(2), except as provided in SCC 30.23.050(2) and SCC 30.23.050(3).

(2) The following shall be exempt from the maximum height standards:

(a) Tanks and bunkers, church spires, belfries, domes, monuments, chimneys, water towers, fire and hose towers, observation towers, stadiums, smokestacks, flag poles, towers and masts used to support commercial radio and television antennae, bulkheads, water tanks, scenery lofts, cooling towers, grain elevators, gravel and cement tanks and bunkers, and drive-in theater projection screens, provided they are set back at least 50 feet from any adjoining lot line;

(b) Towers and masts used to support private antennas, provided they meet the minimum setback of the zoning district in which they are located, and the horizontal array of the antennae does not intersect the vertical plane of the property line;

(c) Towers, masts or poles supporting electric utility, telephone or other communication lines;

(d) Schools and educational institutions provided that:

(i) The use was approved as part of a conditional use permit;

(ii) A maximum building height of 45 feet is not exceeded; and

(iii) Any portion of any building exceeding the underlying zoning maximum height standard is set back at least 50 feet from all of the site's perimeter lot lines; and

(e) Aircraft hangars located within any industrial zone provided that the hanger is set back at least 100 feet from any non-industrial zone.

(3) Applicants proposing height modifications pursuant to SCC 30.63C.040(1)(a) to incorporate low impact development techniques into site design and planning, may exceed the maximum height of the underlying zoning district provided that:

(a) The maximum height is not increased if the property is located in R-9600, R-8400, R-7200, T, LDMR, and MR zones; and the maximum height is not increased by more than 14 feet if the property is located in FS, NB, PCB, CB, GC, IP, BP, LI and HI zones;

(b) The property is located within an urban growth area;

(c) The maximum lot coverage is reduced by one percentage point for each foot of additional height (example: one foot of additional height means a 35 percent maximum lot coverage will be reduced to 34 percent); and

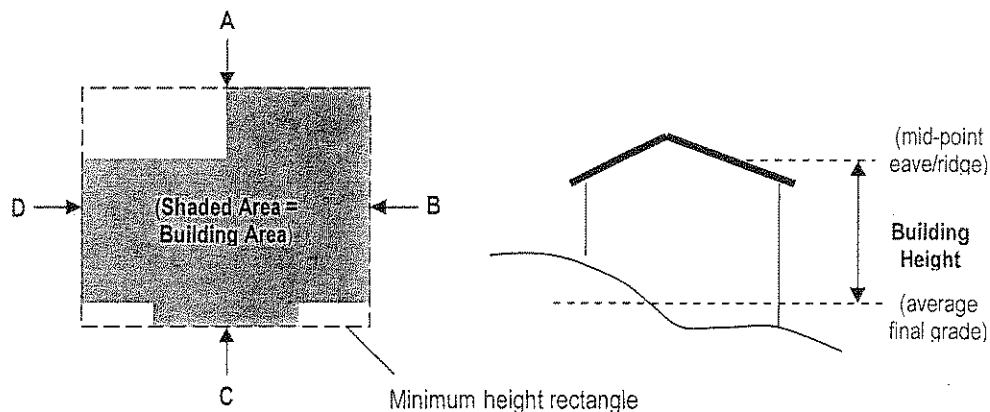
(d) If the zone does not have a maximum lot coverage requirement then at least 40 percent of the site shall contain pervious surfaces.

(4) Building height shall be measured as the vertical distance from the average final grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof, subject to the following:

(a) Calculation of the average final grade shall be made by drawing the smallest rectangle possible that encompasses the entire building area as shown in Figure 30.23.050(1) and averaging the elevations at the midpoint of each side of the rectangle;

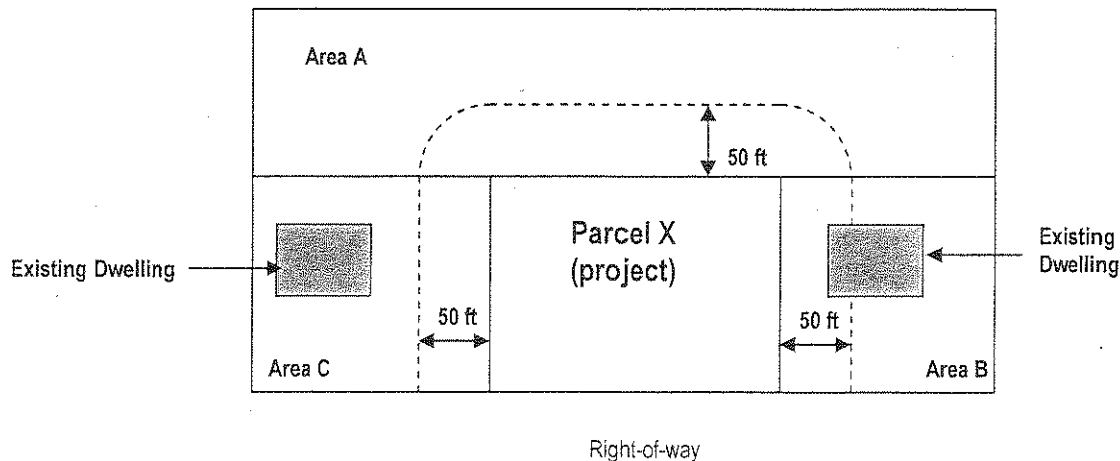
(b) Where fill or regrading is proposed at the perimeter of the property that will raise the elevation of a structure above existing grade and where dwelling units are present within 50 feet of the project boundary on any adjoining properties, the average final grade for measuring height of dwellings adjacent to those properties shall not exceed by more than 10 feet the average existing grade of the area of the adjoining property within 50 feet of the abutting lot lines, not to include roads, or public or private rights-of-way. (Figure 30.23.050(2)).

Figure 30.23.050(1)
Calculating average final grade and determining height:



$$(\text{Final Elevation at Mid-point of A} + \text{B} + \text{C} + \text{D}) \div 4 = \text{Average Final Grade Elevation}$$

Figure 30.23.050(2)
Adjustments for measuring height
where an adjoining dwelling(s) exists:



No adjustments required for structures on Parcel "X" adjoining Areas A or C;
Adjustment required for structures adjoining Area B.

(5) The measurement of height under this section does not apply to buildings regulated by the shoreline management program (~~Snohomish County Shoreline Management Master Program~~), nor does it replace the definitions of height in the construction codes, which are specific to the provisions in those chapters.

Section 13. Snohomish County Code Section 30.24.180, adopted by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.24.180 Public access to publicly-owned or controlled water bodies.

Public access to publicly-owned or controlled water bodies shall be pursuant to the Snohomish County Shoreline Management (~~Master~~) Program.

Section 14. Snohomish County Code Section 30.26.020, last amended by Amended Ordinance 06-061, on August 1, 2007, is amended to read:

30.26.020 Location of parking spaces.

Off-street parking spaces shall be located as specified in this section. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building which it serves.

(1) Parking for single and multifamily dwellings shall be within 300 feet of and on the same lot or building site with the building it serves.

(2) Parking for uses not specified above shall not be over 300 feet from the building it serves. Parking spaces for uses on land subject to a binding site plan (BSP) with record of

1 survey shall be located on land within the BSP area per recorded covenants, conditions, and
2 restrictions (CCRs) or declaration.

3 (3) All off-street parking spaces shall be located on land zoned in a manner which
4 would allow the particular use the parking will serve.

5 (4) Parking shall be set back from lakes, streams, wetlands, and other bodies of water as
6 necessary to comply with the shoreline management ~~((and/or))~~ and critical areas regulations.
7 See ~~((chapter))~~ chapters 30.44, ~~((and chapter))~~ 30.62A and 30.67 SCC.

8
9 **Section 15.** Snohomish County Code Section 30.41A.170, adopted by Amended Ordinance
10 02-064 on December 9, 2002, is amended to read:

11 **30.41A.170 Shoreline management.**

12 For any portion of ~~((Whenever))~~ a preliminary subdivision ~~((is))~~ wholly or partially located
13 within an area subject to the jurisdiction of the Shoreline Management Act of 1971, chapter
14 90.58 RCW, the applicant shall comply with the shoreline management program
15 ~~((Snohomish County Shoreline Management Master Program))~~, chapter 30.44 SCC and
16 chapter 90.58 RCW.

17
18 **Section 16.** Snohomish County Code Section 30.41D.100, last amended by Amended
19 Ordinance 06-061 on August 1, 2007, is amended to read:

20 **30.41D.100 Decision criteria.**

21 In order to approve a binding site plan, the department must find that the newly created lots
22 function and operate as one site, and that the binding site plan and record of survey comply
23 and are consistent with the following provisions as well as any other applicable regulations as
24 determined by the department:

- 25 (1) The requirements of this chapter;
- 26 (2) Requirements for noise control - see chapter 10.01 SCC;
- 27 (3) Requirements for public or private roads, right-of-way establishment and permits,
28 access, and other applicable road and traffic requirements;
- 29 (4) Compliance with fire lane, emergency access, fire-rated construction, hydrants and fire
30 flow, and other requirements of chapter 30.53A SCC;
- 31 (5) Compliance with applicable construction code requirements, subtitle 30.5 SCC;
- 32 (6) Compliance with applicable use and development standard requirements of Subtitle
33 30.2 SCC;
- 34 (7) Compliance with applicable shoreline management code requirements of ~~((chapter))~~
35 chapters 30.44 and 30.67 SCC and/or flood hazard area requirements of chapter 30.65 SCC;
- 36 (8) Compliance with environmental policies and procedures, critical areas regulations, and
37 resource lands requirements of chapters 30.61, 30.62A, 30.62B, 30.62C, 30.65 and 30.32A -
38 30.32C SCC;
- 39 (9) Compliance with applicable drainage requirements of chapter 30.63A SCC;
- 40 (10) Compliance with applicable impact fee requirements of chapters 30.66A - 30.66C

1 SCC;

2 (11) Applicable sewerage regulations, chapter 30.29 SCC, and provisions for adequate
3 water supply and refuse disposal; and

4 (12) Any other applicable provision of this title.

5
6 **Section 17.** Snohomish County Code Section 30.42C.010, adopted by Ordinance 02-064 on
7 December 9, 2002, is amended to read:

8 **30.42C.010 Purpose and applicability.**

9 The purpose of this chapter is to set forth the procedure and decision criteria for conditional
10 use permit applications. A conditional use permit is the mechanism by which the county may
11 gather input through an open record hearing and place special conditions on the use or
12 development of land. The provisions of this chapter apply to all conditional use permit
13 applications except where chapter 30.44 or 30.67 SCC applies.

14
15 **Section 18.** Snohomish County Code Chapter 30.44, adopted by Ordinance 02-064 on
16 December 9, 2002, is repealed.

17
18 **Section 19.** A new chapter 30.44 is added to Title 30 of the Snohomish County Code to
19 read:

20
21 **Chapter 30.44 Shoreline Permits**

22
23 **PART 000 – GENERAL PURPOSE AND APPLICABILITY**

24 30.44.010 Purpose and applicability.

25 30.44.020 Development not subject to the Shoreline Management Act.

26 30.44.030 Compliance with other laws.

27 30.44.040 Letter of exemption from the shoreline substantial development permit requirements.

28 30.44.050 Relationship to shoreline management program.

29
30 **PART 100 – PERMIT REQUIREMENTS AND REVIEW STANDARDS**

31 30.44.110 Shoreline substantial development, conditional use, and variance permits.

32 30.44.120 Exemptions from shoreline substantial development permits.

33 30.44.125 Application of the permit system to shoreline substantial developments
34 undertaken prior to the act.

35 30.44.130 Review criteria for all development.

36 30.44.140 Additional review criteria for shoreline conditional use permits.

37 30.44.150 Additional review criteria for a shoreline variance permit.

38 30.44.160 Non-conforming shoreline uses or structures.

39
40 **PART 200 – PROCESS REQUIREMENTS**

41 30.44.205 Submittal requirements for shoreline permits.

42 30.44.210 Procedures for shoreline permits.

- 1 30.44.220 Time requirements for shoreline permits.
- 2 30.44.225 Special procedures for limited utility extensions and bulkheads.
- 3 30.44.226 Special procedures for watershed restoration projects.
- 4 30.44.230 Filing with the state Department of Ecology.
- 5 30.44.240 Shoreline conditional use and variance permits – review required by state.
- 6 30.44.250 Appeals.
- 7 30.44.260 Reapplication.
- 8 30.44.270 Revisions to shoreline permits.
- 9 30.44.280 Emergency activities.
- 10 30.44.290 Fees.
- 11 30.44.295 Rescission of shoreline permits.

12 **PART 000 – GENERAL PURPOSE AND APPLICABILITY**

13 **30.44.010 Purpose and applicability.**

14 (1) The purpose of this chapter is to establish a program for the administration and
15 enforcement of the permit system for shoreline management provided by the Shoreline
16 Management Act of 1971 (chapter 90.58 RCW).

17 (2) This chapter applies to all shorelines of the state within Snohomish County.

18 (3) All development in shoreline jurisdiction shall comply with the policy, provisions,
19 and intent of the Snohomish County Shoreline Management Program (SMP) even when no
20 permit is required unless exempt pursuant to SCC 30.44.020.

21 (4) Where there are conflicts with this chapter and other provisions of this title, the
22 provisions of this chapter shall apply.

23 (5) Definitions contained in the Shoreline Management Act of 1971 (chapter 90.58
24 RCW) and the Shoreline Master Program Guidelines (chapter 173-26 WAC) shall apply to
25 all terms used in this chapter, provided that definitions contained in this title shall be
26 applicable where not in conflict with the Shoreline Management Act and the Shoreline
27 Master Program Guidelines.

28 (6) Applicability of this chapter to federal lands will be determined as follows:

29 (a) Applicability of this chapter to federal agency activities will be determined
30 pursuant to WAC 173-27-060;

31 (b) This chapter shall apply to all nonfederal developments, uses and modifications
32 undertaken on federal lands and on lands subject to nonfederal ownership, mining claim,
33 lease or easement even though such lands may fall within the external boundaries of a federal
34 ownership; and

35 (c) Shorelines of the state within the external boundaries of federal ownership are
36 designated in accordance with SCC 30.67.220.

37 **30.44.020 Development not subject to the Shoreline Management Act.**

38 The following developments are not required to meet the requirements of the Shoreline
39 Management Act, chapter 90.58 RCW, as described below:

40 (1) Notwithstanding any other provision of law, any legal requirement under the Shoreline

1 Management Act, including any standard, limitation, rule, or order is superseded and
2 replaced in accordance with the terms and provisions of an environmental excellence
3 program agreement, entered into under chapter 43.21K RCW.

4 (2) The procedural requirements of the Shoreline Management Act shall not apply to any
5 person conducting a remedial action at a facility pursuant to a consent decree, order, or
6 agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when
7 it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall
8 ensure compliance with the substantive requirements of chapter 90.58 RCW through the
9 consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during
10 the department-conducted remedial action, through the procedures developed by the
11 department pursuant to RCW 70.105D.090.

12 (3) The holder of a certification under chapter 80.50 RCW shall not be required to obtain
13 a permit under chapter 90.58 RCW or the Snohomish County Shoreline Management
14 Program.

15 **30.44.030 Compliance with other laws.**

16 Nothing in this chapter shall be construed as excusing a person from compliance with any
17 other local, state, or federal statute, ordinance, or regulation applicable to a proposed
18 development.

19 **30.44.040 Letter of exemption from the shoreline substantial development permit**
20 **requirements**

21 When a development falls within the exemptions stated in SCC 30.44.020 or 30.44.120, the
22 department shall prepare a letter addressed to the applicant and the regional office of the
23 department of ecology, exempting the development from the shoreline substantial
24 development permit requirements of chapter 90.58 RCW when either of the following
25 applies:

26 (1) The development is subject to a U.S. Corps of Engineers Section 10 permit under the
27 Rivers and Harbors Act of 1899, or a Section 404 permit under the federal Water Pollution
28 Control Act of 1972; or

29 (2) The property owner requests an official letter of exemption.
30

31 **30.44.050 Relationship to shoreline management program.**

32 This chapter implements chapter 173-27 WAC but is not adopted as part of the SMP.

33 **PART 100 – PERMIT REQUIREMENTS AND REVIEW STANDARDS**

34 **30.44.110 Shoreline substantial development, conditional use, and variance**
35 **permits.**

1 Except as provided under SCC 30.44.020, a shoreline substantial development, conditional
2 use or variance permit is required prior to development within the county's shoreline
3 jurisdiction as follows:

4 (1) A shoreline substantial development permit is required for shoreline development in
5 conjunction with allowed uses and modifications pursuant to the SMP unless exempt
6 pursuant to SCC 30.44.120;

7 (2) A development or use that is listed as a conditional use or is an unlisted use in the
8 SMP pursuant to SCC 30.67.430(1), unless otherwise prohibited pursuant to SCC 30.67.420,
9 must obtain a shoreline conditional use permit even though the development or use may not
10 require a substantial development permit; and

11 (3) A shoreline variance permit is required when requesting relief from specific bulk,
12 dimensional or performance standards in the SMP.

13 **30.44.120 Exemptions from shoreline substantial development permits.**

14 (1) The following types of development must be consistent with the policies and
15 provisions of the Shoreline Management Act and the SMP, but are not considered shoreline
16 substantial developments for purposes of this chapter and are not required to obtain a
17 shoreline substantial development permit:

18 (a) Any development of which the total cost or fair market value, whichever is higher,
19 does not exceed the dollar threshold established or as hereafter adjusted by the state office of
20 financial management pursuant to WAC 173-27-040(2)(a), provided such development does
21 not materially interfere with the normal public use of the water or shorelines of the state;

22 (b) Normal maintenance or repair of existing structures or developments, including
23 damage by accident, fire, or elements;

24 (c) Construction of the normal protective bulkhead common to single family
25 residences;

26 (d) Emergency temporary construction necessary to protect property from damage by
27 the elements consistent with the provisions in SCC 30.44.280;

28 (e) (i) Construction and practices normal or necessary for farming, irrigation, and
29 ranching activities, including agricultural service roads and utilities on shorelands, and the
30 construction and maintenance of irrigation structures including, but not limited to, head
31 gates, pumping facilities, and irrigation channels and including alteration of the contour of
32 the shorelands by leveling or filling which results from normal cultivation or as needed to
33 accomplish the foregoing activities provided the alteration is the minimum necessary; and

34 (ii) A feedlot of any size, all processing plants, all other activities of a commercial
35 nature and alteration of the contours in excess of the provisions described in (e)(i) shall not
36 be considered normal or necessary for farming or ranching activities. A feedlot shall be an
37 enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or
38 other livestock feed, but shall not include land for growing crops or vegetation for livestock
39 feeding and/or grazing, nor shall it include normal livestock wintering operations;

40 (f) Construction or modification of navigational aids, such as channel markers and
41 anchor buoys;

42 (g) Construction on shorelands by an owner, lessee, or contract purchaser, of a single
43 family residence for owner or owner's family use, which residence does not exceed a height

1 of 35 feet above average grade level, and which meets all requirements of the state and local
2 governments having jurisdiction thereof, other than requirements imposed pursuant to this
3 title. Construction authorized under this exemption shall be located landward of the ordinary
4 high water mark;

5 (h) Construction of a dock, including a community dock, designed for pleasure craft
6 only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-
7 family and multiple-family residences. For the purpose of this section, a "dock" is a landing
8 and moorage facility for watercraft and does not include recreational decks, storage facilities
9 or other appurtenances. This exception applies to docks for which the cost or fair market
10 value, whichever is higher, does not exceed:

11 (i) \$2,500 in salt waters; or

12 (ii) \$10,000 in fresh waters, but if subsequent construction having a fair market
13 value exceeding \$2,500 occurs within five years of completion of the prior construction, the
14 subsequent construction shall be considered a substantial development for the purpose of this
15 chapter;

16 (i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or
17 other facilities that now exist or are hereafter created or developed as a part of an irrigation
18 system for the primary purpose of making use of system waters, including return flow and
19 artificially stored groundwater from the irrigation of lands;

20 (j) The marking of property lines or corners on state-owned lands, when such marking
21 does not significantly interfere with normal public use of the surface of the water;

22 (k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities
23 existing on September 8, 1975, which were created, developed, or utilized primarily as a part
24 of an agricultural drainage or diking system;

25 (l) Site exploration and investigation activities that are prerequisite to preparation of an
26 application for development authorization under this chapter, if:

27 (i) the activity does not interfere with the normal public use of the surface waters;

28 (ii) the activity will have no significant adverse impact on the environment including,
29 but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

30 (iii) the activity does not involve the installation of a structure, and upon completion
31 of the activity the vegetation and land configuration of the site are restored to conditions
32 existing before the activity;

33 (iv) a private entity seeking development authorization under this section first posts
34 a performance bond or provides other evidence of financial responsibility to the county to
35 ensure that the site is restored to preexisting conditions; and

36 (v) the activity is not subject to the permit requirements of RCW 90.58.550 for oil or
37 natural gas exploration in marine waters;

38 (m) The process of removing or controlling an aquatic noxious weed, as defined in RCW
39 17.26.020, through the use of an herbicide or other treatment methods applicable to weed
40 control that are recommended by a final environmental impact statement published by the
41 state department of agriculture or the department of ecology jointly with other state or local
42 agencies under chapter 43.21C RCW;

43 (n) A public or private project that is designed to improve fish or wildlife habitat or fish
44 passage when the criteria in RCW 90.58.147 are met; and

45 (o) Watershed restoration projects as defined in RCW 89.08.460.

(2) Whenever a development falls within the exemptions enumerated in this section, and the development is subject to a U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899 or a section 404 permit under the Federal Water Pollution Control Act of 1972, Snohomish County shall prepare a letter addressed to the applicant and the regional office of the Department of Ecology, indicating the specific exemption provision that is being applied to the development and providing a summary of the county's analysis of the consistency of the development with the Shoreline Management Act and the SMP.

30.44.125 Application of the permit system to shoreline substantial developments undertaken prior to the act.

(1) Shoreline substantial development, as determined by actual construction or development begun upon the shoreline, as opposed to preliminary engineering or planning, undertaken on shorelines of the state prior to the effective date of the Shoreline Management Act (SMA), and continuing thereafter, shall not require a permit, except under the following circumstances:

- (a) Where the activity was unlawful prior to the effective date of the act;
- (b) Where there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act;
- (c) Where the development is not completed within two years of the effective date of the act;
- (d) Where shoreline substantial development occurred prior to the effective date of the act, and continued on to a different shoreline of the state after the effective date of the act; or
- (e) Where shoreline substantial development occurred prior to the effective date of the act, and continued into other phases that were not part of the plan being followed at the time construction commenced.

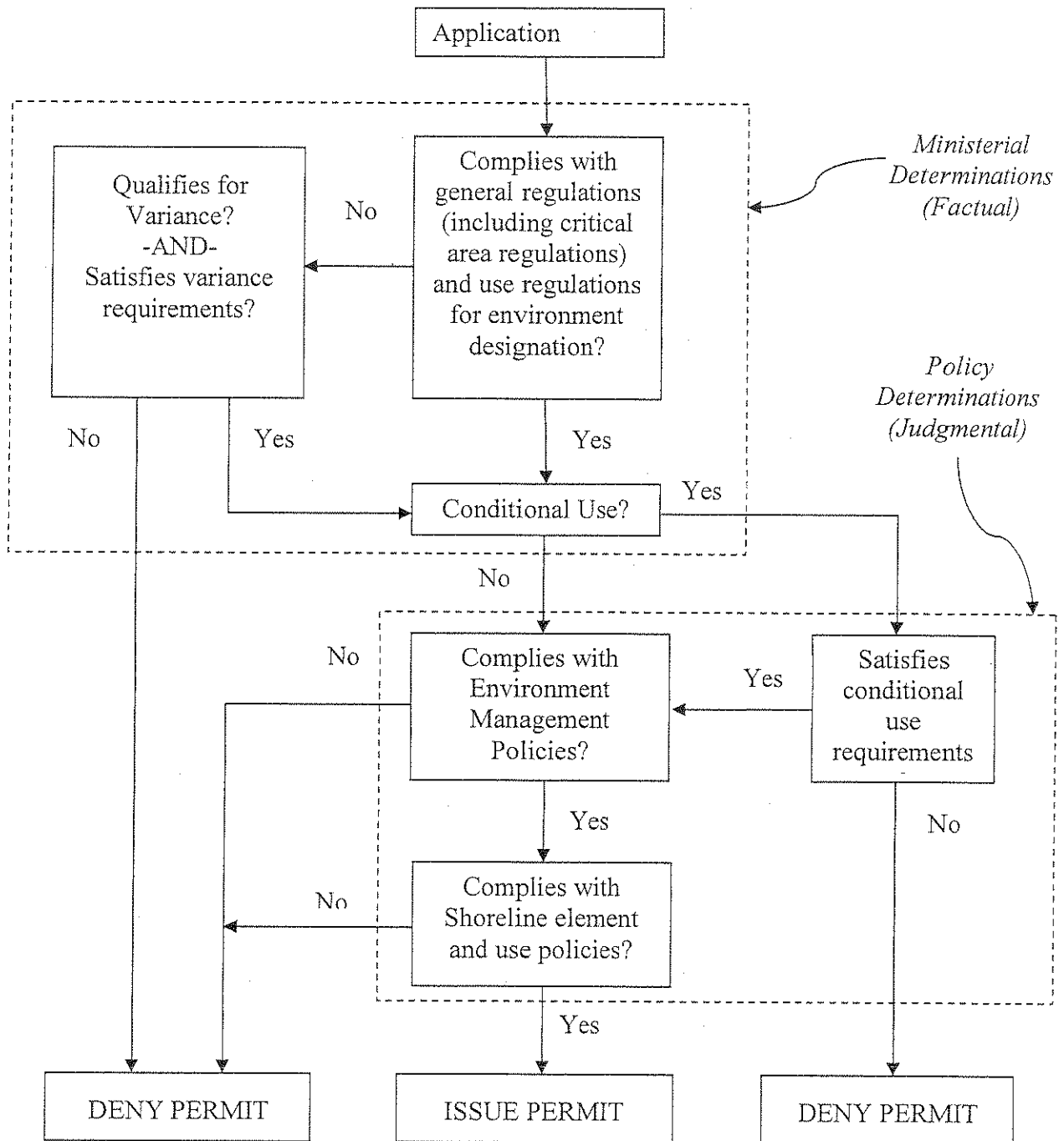
(2) The effective date of the SMA is the most recent of the following dates applicable to the shoreline jurisdiction where the substantial development is occurring:

- (a) June 1, 1971;
- (b) When a change in the area subject to the jurisdiction of the SMA occurs as a result of a determination of jurisdiction by the state Department of Ecology based on the provisions of RCW 90.58.030 (2)(d) or (e), the effective date of the act shall be the date the state Department of Ecology provides written notice of the change to the county; or
- (c) When a change in the area subject to the jurisdiction of the SMA occurs as a result of an updated shoreline master program that supersedes the jurisdiction lists in chapter 173-18, 173-20 and 173-22 WAC, the effective date of the SMA shall be the date the state Department of Ecology approves the updated master program.

30.44.130 Review criteria for all shoreline development permits.

(1)(a) No authorization to use or develop shorelines of the state shall be granted by the county unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act, the SMP and other applicable statutes, plans, regulations and policies. The county shall review all shoreline permit applications for compliance with the SMP in accordance with the decision flow chart shown in figure 30.44.130(1)(b).

Figure 30.44.130(1)(b)
Decision Flow Chart for Shoreline Permit Review



(2) All proposed uses and development shall be consistent with the policies, procedures and provisions of the Shoreline Management Act and the SMP, even when no permit is required.

(3) Decisions on shoreline substantial development, shoreline conditional use, and shoreline variance permits shall comply with the following provisions and procedures as applicable:

(a) The county's decision shall be based on information from the complete application, written comments from interested persons and observations from a site inspection. The county's decision shall contain findings based upon the record and conclusions which support the decision. Such findings and conclusions shall demonstrate how the decision is consistent with the SMP.

(b) In approving a shoreline substantial development, shoreline conditional use, or shoreline variance permit, the county may impose any conditions necessary to carry out the intent of and assure compliance with the SMP and the Shoreline Management Act. Such conditions shall be part of the permit, and shall be binding upon the applicant and the applicant's successors or assigns. The permit and conditions shall be appealable under SCC 30.44.250, and enforceable under chapter 30.85 SCC.

(4) Development undertaken pursuant to the issuance of a permit shall be limited to that specifically delineated on the official site plan submitted by the applicant and approved by the department. The development shall comply with any and all conditions imposed upon such permit at its issuance, including any impact mitigation measures identified in documents submitted in support of the application.

30.44.140 Additional review criteria for shoreline conditional use permits.

(1) Uses or modifications requiring a conditional use permit pursuant to SCC 30.44.110 may be allowed only when the applicant can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of RCW 90.58.020 and the SMP;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use and development of the site and design of the project will be compatible with other permitted and planned uses within the area;

(d) That the shoreline development proposal will not result in significant adverse impacts on the shoreline environment and that the cumulative impact of additional requests for like actions in the area will remain consistent with the policies of the Shoreline Management Act and the SMP; and

(e) That the proposed use will not cause a substantial detrimental effect on the public interest.

(2) Conditions may be attached to a shoreline conditional use permit to prevent loss of ecological functions, to ensure consistency with the Shoreline Management Act and the SMP, and to address cumulative impacts of the use or modification to the extent reasonably related to the proposed development and limited to the development's proportionate share of such cumulative impacts.

(3) A shoreline conditional use permit shall not become final until approved by the state Department of Ecology pursuant to SCC 30.44.240.

30.44.150 Additional review criteria for a shoreline variance permit.

The purpose of a shoreline variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Shoreline variance permits should be granted in circumstances where denial of the variance permit would result in a thwarting of the policy enumerated in RCW 90.58.020.

(2) Shoreline variance permits for development or allowed uses pursuant to SCC 30.67.430 located landward of the ordinary high water mark and landward of a wetland may be authorized provided the applicant can demonstrate all of the following:

(a) That extraordinary circumstances exist on the project site;

(b) That the strict application of the bulk, dimensional or performance standards set forth in the SMP creates a hardship by precluding, or significantly interfering with, reasonable use of the property;

(c) That the hardship described in SCC 30.44.150(2)(b) is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;

(d) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Snohomish County comprehensive plan and SMP and will not cause adverse impacts to the shoreline environment;

(e) That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;

(f) That the variance requested is the minimum necessary to afford relief; and

(g) That the public interest will suffer no substantial detrimental effect.

(3) A shoreline variance permit for development or uses located waterward of the ordinary high water mark or within a wetland, may be authorized provided the applicant can demonstrate all of the following:

(a) That the proposal is consistent with the criteria established under SCC 30.44.150(2)(a) through (g); and

(b) That the public rights of navigation and use of the shorelines will not be adversely affected.

(4) In granting a shoreline variance permit, consideration shall be given to the cumulative impact of additional requests for like actions in the area. The cumulative impacts of similar variance requests in the area shall be consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use and modification regulations in SCC 30.67.420, 30.67.430 and 30.67.440 are prohibited.

(6) A shoreline variance permit shall not become final until approved by the state Department of Ecology pursuant to SCC 30.44.240.

1 **30.44.160 Non-conforming shoreline uses or structures.**

2 Non-conforming shoreline uses or structures are regulated pursuant to SCC 30.67.450.

3 **PART 200 – PROCESS REQUIREMENTS**

4 **30.44.205 Submittal requirements for shoreline permits.**

5 A complete application for a shoreline permit shall contain, at a minimum, the following
6 information:

- 7 (1) The name, address, email and phone number of the property owner.
- 8 (2) The name, address, email and phone number of the applicant and the applicant's
9 representative if other than the property owner.
- 10 (3) The location of the property including the property address and parcel identification
11 number for all parcels included in the application. When address and parcel identification
12 numbers have not been assigned, location may be identified by section, township, range to
13 the nearest quarter, quarter section or by latitude and longitude to the nearest minute. All
14 applications for projects located in open water areas away from land shall provide a longitude
15 and latitude location.
- 16 (4) The name of the associated water body. This should be the water body from which
17 shoreline jurisdiction over the project is derived.
- 18 (5) A description of the proposal including the proposed use or uses and the activities
19 necessary to accomplish the project.
- 20 (6) A description of the property as it now exists including physical characteristics and
21 any improvements and structures.
- 22 (7) A description of the vicinity of the proposed project including identification of
23 adjacent uses, structures and improvements, the intensity of adjacent development and
24 physical characteristics of adjacent properties.
- 25 (8) A site development plan consisting of photographs, text, maps and elevation drawings,
26 drawn to an appropriate scale clearly depicting the following information:
- 27 (a) The boundary of the parcel(s) of land upon which the development is proposed.
- 28 (b) The ordinary high water mark of all water bodies located adjacent to or within the
29 boundary of the project. This may be an approximate location provided, that for any
30 development where a determination of consistency with the applicable regulations requires a
31 precise location of the ordinary high water mark, the mark shall be located precisely and the
32 biological and hydrological basis for the location as indicated on the plans shall be included
33 in the development plan. Where the ordinary high water mark is neither adjacent to or within
34 the boundary of the project, the plan shall indicate the distance and direction to the nearest
35 ordinary high water mark of a shoreline.
- 36 (c) Existing and proposed land contours shall be shown at intervals sufficient to
37 accurately determine the existing character of the property and the extent of proposed
38 changes to the land as a result of the development. Areas within the boundary of the proposal
39 that will not be altered by the development may be indicated as such and contours may be
40 approximated for that area.
- 41 (d) A delineation of all wetlands that are located within the boundary of the proposal
42 and all wetland areas that will be altered or used as a part of the development.

- (e) A description of the character of vegetation found on the site.
- (f) The dimensions and locations of all existing and proposed buildings, structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
- (g) When applicable, a landscaping plan for the project.
- (h) When applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
- (i) The quantity in cubic yards, source and composition of any fill material that will be placed on the site whether temporary or permanent.
- (j) The quantity in cubic yards, composition and destination of any excavated or dredged material that will be removed from the site or transferred on the site.
- (k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- (l) Where applicable, the applicant shall provide a three-dimensional visual simulation, or other appropriate graphics, demonstrating the visual impact on the view of the county's shorelines or other scenic resources from existing residential uses and public areas.
- (m) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of structures and uses on adjacent properties.

30.44.210 Procedures for shoreline permits.

- (1) Shoreline substantial development, shoreline conditional use, and shoreline variance permits are subject to all provisions of chapter 30.70 SCC, except as specifically modified by this chapter. Except for the additional requirement for Department of Ecology review of shoreline conditional use and shoreline variance permits pursuant to SCC 30.44.240, all applications shall be processed either as a Type 1 or Type 2 decision in accordance with chapters 30.71 or 30.72 SCC depending on the applicable circumstances set forth in SCC 30.44.210(2). Appeals of all shoreline permits shall be processed in accordance with SCC 30.44.250.
- (2) A shoreline permit application shall be processed as a Type 2 permit if:
- (a) The department recommends that a shoreline permit be denied; or
- (b) The director determines that a shoreline permit application should be processed as a Type 2 decision based on the following factors:
- (i) The presence of significant economic, health, safety, environmental and land use issues; or
- (ii) The proposal conflicts with the SMP;
- (3) The department shall notify the applicant, in writing, of the requirement for an open record hearing as soon as possible following the receipt of a complete application for a shoreline substantial development, shoreline conditional use, or shoreline variance permit and no later than 30 days following the publication of the notice of application pursuant to SCC 30.70.050, unless a longer period is agreed to in writing by the applicant.

(4) When processed as a Type 2 decision, an open record public hearing will be conducted after the environmental review required pursuant to chapter 30.61 SCC has been conducted and the applicable fees according to chapter 30.86 SCC have been paid.

(5) The county's decision to approve or deny the shoreline permit shall be mailed within ten calendar days to the applicant and to all parties of record. In the case of shoreline conditional use and shoreline variance permits, the county's decision shall contain a qualifying statement that the county's decision is not final until the Department of Ecology's approval and that review of the final decision will be in accordance with the appeal procedure in SCC 30.44.250.

30.44.220 Time requirements for shoreline permits.

The following time requirements shall apply to all shoreline substantial development, shoreline conditional use, and shoreline variance permits:

(1) Each permit for a shoreline substantial development, conditional use or variance issued by the county shall contain a provision that construction shall not begin and is not authorized until 21 days from the date of receipt as defined in SCC 30.44.230(2), or until all review proceedings initiated within 21 days from the date of receipt have been terminated; except as provided in RCW 90.58.140(5)(a) and (b) or SCC 30.44.280.

(2) The effective date of an approved shoreline substantial development permit shall be the date of receipt as provided in SCC 30.44.230(2)(a). The effective date of an approved shoreline conditional use or variance permit shall be the date of receipt as provided in SCC 30.44.230(2)(b).

(3) Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or initiation of uses which are inconsistent with the policies and regulations of the Shoreline Management Act and the SMP. The department may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the state Department of Ecology.

(4) Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. The county may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the state Department of Ecology.

(5) Determination of the time periods described in 30.44.220(3) and (4) shall not include the time during which construction or the use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

(6) Shoreline permits for mitigation banks and in-lieu fee programs addressing shoreline ecological functions shall expire five years after the effective date of an approved permit pursuant to SCC 30.44.220(2). The county may authorize extensions upon a finding of good cause, based on requirements and circumstances of the project proposed and consistent with the policy and provisions of the SMP and chapter 173-27 WAC, if a request for extension has been filed before the expiration date and provided that the Memorandum of Agreement, Mitigation Bank Instrument or other documentation authorizing the mitigation bank or in-lieu fee program remains valid. Notice of the proposed extension shall be given to all parties signatory to the authorizing documents, the state Department of Ecology and to all parties of record. Extensions may be granted as needed to fulfill the project phases outlined in the authorizing documentation provided that each granted extension is valid for a period not to exceed five years. In reviewing requests for extensions, if environmental conditions or life, health and safety issues arise that were not adequately addressed by the currently valid shoreline permit, shoreline permit conditions may be added or revised. If additions or revisions are necessary, a fee will be assessed as provided in SCC 30.86.310. Extensions of shoreline conditional use permits or shoreline variances must be approved by the state Department of Ecology.

(7) Nothing in chapter 30.44 SCC shall preclude the county from issuing permits with a fixed termination date of less than five years.

30.44.225 Special procedures for limited utility extensions and bulkheads.

(1) An application for a substantial development permit for a limited utility extension, or the construction of a bulkhead, or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter, except that the following time periods and procedures apply:

(a) The public comment period shall be 21 days. The notice of the application shall state the manner in which the public may obtain a copy of the county's decision on the application no later than two days following its issuance; and

(b) The county shall issue its decision to grant or deny the permit within 21 days of the last day of the comment period specified in SCC 30.44.225(1)(a).

(2) For purposes of this section, a limited utility extension means the extension of a utility service that:

(a) Is categorically exempt under chapter 43.21C RCW for one or more of the following: natural gas, electricity, telephone, water, or sewer;

(b) Will serve an existing use in compliance with this chapter; and

(c) Will not extend more than 2,500 linear feet within the shorelines of the state.

30.44.226 Special procedures for watershed restoration projects.

The county will review proposed watershed restoration projects, as defined in RCW 89.08.460, for consistency with the Shoreline Management Program (SMP) and the restoration element and issue its decision with any conditions within forty-five days of receiving a complete application form from the applicant. No fee will be charged to review proposed watershed restoration projects for compliance with the SMP.

30.44.230 Filing with the state Department of Ecology.

(1) Any final decision by the county on an application for a shoreline permit or a shoreline permit revision shall be filed with the state Department of Ecology within ten calendar days of the county's final decision, as defined pursuant to WAC 173-27-130(1). Documents to be submitted to the regional office of the state Department of Ecology shall include:

(a) A copy of the complete application;

(b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);

(c) The final decision of the local government;

(d) The permit data sheet; and

(e) Where applicable, documents required by chapter 30.61 SCC and chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

(2) For the purposes of this chapter, "date of receipt" refers to:

(a) The date on which the applicant receives written notice from the state Department of Ecology acknowledging receipt of the county's final decision to approve or deny a shoreline substantial development permit; or

(b) The date on which the county or the applicant receives the written decision of the state Department of Ecology on a variance or conditional use permit to the county and to the applicant.

30.44.240 Shoreline conditional use and variance permits – review required by state.

(1) All approvals of shoreline conditional use and variance permits require review from the state Department of Ecology pursuant to WAC 173-27-200. The permit approval shall be submitted to the state Department of Ecology pursuant to SCC 30.44.230(1).

(2) Within 30 days of the date of submittal to the state Department of Ecology by the county, the state Department of Ecology will transmit to the county and the applicant its final decision approving, approving with conditions, or denying the shoreline conditional use or variance permit.

30.44.250 Appeals.

Any person aggrieved by the granting, denying or rescinding of a shoreline permit may seek review from the state shorelines hearings board by filing a petition for review within 21 days of the date of receipt as defined in SCC 30.44.230(2).

30.44.260 Reapplication.

After the final action regarding the denial of a shoreline permit, an application for a permit involving substantially the same development on the property shall not be accepted by the county for six months from the date of the denial.

1 **30.44.230 Filing with the state Department of Ecology.**

2 (1) Any final decision by the county on an application for a shoreline permit or a shoreline
3 permit revision shall be filed with the state Department of Ecology within ten calendar days
4 of the county's final decision, as defined pursuant to WAC 173-27-130(1). Documents to be
5 submitted to the regional office of the state Department of Ecology shall include:

6 (a) A copy of the complete application;
7 (b) Findings and conclusions that establish the basis for the decision including but not
8 limited to identification of shoreline environment designation, applicable master program
9 policies and regulations and the consistency of the project with appropriate review criteria for
10 the type of permit(s);

11 (c) The final decision of the local government;

12 (d) The permit data sheet; and

13 (e) Where applicable, documents required by chapter 30.61 SCC and chapter 43.21C
14 RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the
15 actions and dates of such actions taken under chapter 43.21C RCW.

16 (2) For the purposes of this chapter, "date of receipt" refers to:

17 (a) The date on which the applicant receives written notice from the state Department
18 of Ecology acknowledging receipt of the county's final decision to approve or deny a
19 shoreline substantial development permit; or

20 (b) The date on which the county or the applicant receives the written decision of the
21 state Department of Ecology transmits its final decision on a variance or conditional use
22 permit to the county and to the applicant.

23 **30.44.240 Shoreline conditional use and variance permits – review required by**
24 **state.**

25 (1) All approvals of shoreline conditional use and variance permits require review from the
26 state Department of Ecology pursuant to WAC 173-27-200. The permit approval shall be
27 submitted to the state Department of Ecology pursuant to SCC 30.44.230(1).

28 (2) Within 30 days of the date of submittal to the state Department of Ecology by the
29 county, the state Department of Ecology will transmit to the county and the applicant its final
30 decision approving, approving with conditions, or denying the shoreline conditional use or
31 variance permit.

32 **30.44.250 Appeals.**

33 Any person aggrieved by the granting, denying or rescinding of a shoreline permit may seek
34 review from the state shorelines hearings board by filing a petition for review within 21 days
35 of the date of receipt as defined in SCC 30.44.230(2).

36 **30.44.260 Reapplication.**

37 After the final action regarding the denial of a shoreline permit, an application for a permit
38 involving substantially the same development on the property shall not be accepted by the
39 county for six months from the date of the denial.

1 **30.44.270 Revisions to shoreline permits.**

2 (1) A permit revision is required whenever an applicant proposes substantive changes to
3 the design, terms or conditions of a project from those that were approved in the shoreline
4 permit. Changes are considered substantive if they materially alter the project in a manner
5 that relates to its conformance to the terms and conditions of the permit, the SMP or the
6 policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect
7 do not require approval of a revision. When an applicant seeks to revise a permit, the
8 applicant must submit to the department detailed plans and text describing the proposed
9 changes.

10 (2) If the department determines that the proposed changes are within the scope and
11 intent of the original permit, and are consistent with the SMP and chapter 90.58 RCW, a
12 revision may be approved. "Within the scope and intent of the original permit" as used in
13 this section means all of the following:

14 (a) No additional over-water construction is involved except that pier, dock, or float
15 construction may be increased by 500 square feet or ten percent from the provisions of the
16 original permit, whichever is less;

17 (b) Lot coverage and height may be increased a maximum of ten percent from the
18 provisions of the original permit;

19 (c) The revised permit does not authorize development to exceed height, lot coverage,
20 setback, or any other requirements of the SMP except as authorized under a variance granted
21 as the original permit or part thereof;

22 (d) Additional or revised landscaping is consistent with any of the conditions of the
23 original permit and with the SMP;

24 (e) The use authorized in the original permit is not changed; and

25 (f) No adverse environmental impact will be caused by the project revision.

26 (3) Revisions to permits may be authorized after the original permit authorization has
27 expired under SCC 30.44.220. The purpose of such revisions shall be limited to authorization
28 of changes which are consistent with this section and which would not require a permit for
29 the development or change proposed under chapter 90.58 RCW, the SMP and this section. If
30 the proposed change constitutes substantial development, then a new permit is required.
31 Provided, this subsection shall not be used to extend the time requirements of the original
32 permit or to authorize substantial development beyond the time limits of the original permit.

33 (4) If the sum of the proposed revision and any previously approved revisions violate the
34 provisions in SCC 30.44.270(3), the department shall require that the applicant apply for a
35 new permit.

36 (5) The revision approval, including the revised site plans and text consistent with the
37 provisions of SCC 30.44.205 as necessary to clearly indicate the authorized changes, and the
38 final ruling on consistency with this section shall be filed with the state Department of
39 Ecology. In addition, the county shall notify parties of record of the action.

40 (6) If the revision to the original permit involves a conditional use or variance, the
41 department shall submit the revision to the state Department of Ecology for approval,
42 approval with conditions, or denial, and shall indicate that the revision is being submitted
43 under the requirements of WAC 173-27-100(6). The state Department of Ecology shall
44 render and transmit to the county and the applicant its final decision within 15 days of the

1 date of its receipt of the submittal from the county. The department shall notify parties of
2 record of the state Department of Ecology's final decision.

3 (7) The revised permit is effective immediately upon final decision by the county or, when
4 appropriate under SCC 30.44.270(6), upon final action by the state Department of Ecology.

5 (8) Appeals shall be to the state shorelines hearings board in accordance with RCW
6 90.58.180 and shall be filed within 21 days from the date of receipt of the county's action by
7 the state Department of Ecology or, when appropriate under SCC 30.44.270(6) of this
8 section, the date the state Department of Ecology's final decision is transmitted to the county
9 and to the applicant. Appeals shall be based only upon contentions of noncompliance with
10 the provisions of SCC 30.44.270(2). Construction undertaken pursuant to that portion of a
11 revised permit not authorized under the original permit is at the applicant's own risk until the
12 expiration of the appeal deadline. If an appeal is successful in proving that a revision is not
13 within the scope and intent of the original permit, the decision shall have no bearing on the
14 original permit.

15 **30.44.280 Emergency activities.**

16 The department may approve construction of temporary structures, uses or modifications in
17 an emergency as defined in SCC 30.91E.100 without first requiring any required shoreline
18 permits, as established in this section.

19 (1) Request for emergency construction shall be made in writing to the department.
20 Emergency approvals shall be granted in writing by the department only when action must be
21 taken immediately, or within a time too short to allow for processing of a permit. All
22 emergency construction shall be consistent with the policies of chapter 90.58 RCW and the
23 requirements of the SMP. Upon abatement of the emergency situation, any new use,
24 modification or structure shall be removed or applications for any required project permits
25 necessary to satisfy compliance with this chapter shall be submitted to the department within
26 120 days of the start of the action taken. For actions not requiring permits, compliance with
27 this chapter shall occur within a reasonable time period not to exceed twelve months.

28 (2) A declaration of emergency for shoreline stabilization measures shall only be used to
29 protect existing development or farmland, as defined in SCC 30.91F.140, or to prevent
30 impairment of channel function, and only when one of the following exists:

31 (a) Imminent danger exists as a result of high water, and damage is expected due to
32 flooding conditions for which appropriate flood warnings have been issued;

33 (b) Damage is occurring as a result of floodwaters at or exceeding flood stage as
34 defined by the appropriate authority; or

35 (c) Property has been damaged and rendered unstable by previous flooding and is
36 in such condition that future flooding will cause additional damage if protective measures are
37 not taken; provided the county engineer has issued written approval of the emergency
38 protective measures sought, such approval being based upon the following findings:

39 (i) Any protective measures do not exceed \$5,000 in value as measured by the
40 total cost or fair market value of the improvements, whichever is greater;

41 (ii) Insufficient time exists to obtain a shoreline permit prior to the likelihood
42 of future flooding and/or seasonal deadlines for construction in streamway channels; and

(iii) The person seeking to undertake emergency protective measures has applied to the county engineer for approval of such emergency protective measures within 120 days of the occurrence of damage by previous flooding.

30.44.290 Fees.

Except as provided in SCC 30.44.226, filing fees required for permits obtained pursuant to this chapter shall be paid to the department at the time an application is submitted. Applicable fees are set forth in SCC 30.86.310.

30.44.295 Rescission of shoreline permits.

Whenever any development occurs in violation of a permit issued pursuant to this chapter, the county may, concurrent with or as an alternative to any other remedy provided by this title or other law or ordinance, initiate permit rescission proceedings by scheduling a public hearing before the hearing examiner and serving the applicant with written notice thereof. Notice shall be provided in accordance with SCC 30.70.045 and 30.70.050 and contain a general description of the alleged noncompliance and date, time and place of public hearing. It shall be served on the applicant by registered mail at least 15 calendar days prior to such hearing. The permit rescission request shall be processed as a Type 2 decision in accordance with the procedures established in chapter 30.72 SCC.

Section 20. Snohomish County Code Section 30.61.230, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.61.230 SEPA policies.

The county designates and adopts by reference the following SEPA policies as currently adopted or hereafter amended as the basis for the county's exercise of authority pursuant to this chapter:

- (1) The comprehensive plan;
- (2) Shoreline management (~~((master))~~) program;
- (3) (~~((Agricultural preservation plan;))~~)
- (~~((4))~~) Unified development code, Title 30 SCC;
- (~~((5))~~)4 Noise ordinance (chapter 10.01 SCC);
- (~~((6))~~)5 SR-527 Traffic Impact Mitigation Policy; and
- (~~7~~) ~~Interim Forest Land Conservation Plan (Motion No. 92-283);~~
- (~~((8))~~) ~~Interim Agricultural Conservation Plan (Motion No. 93-145); and~~)
- (~~((9))~~)6 The formally designated SEPA policies of other affected agencies or jurisdictions when there is an agreement with the affected agency or jurisdiction which specifically addresses impact identification, documentation, and mitigation and which references the environmental policies formally designated by the agency or jurisdiction for the exercise of SEPA authority.

Section 21. Snohomish County Code Section 30.63A.060, last amended by Amended Ordinance 06-061 on August 1, 2007, is amended to read:

30.63A.060 Relationship to chapter 30.61 SCC.

When the director, upon consideration of the specific probable adverse environmental impacts of a development activity with regard to on-site and off-site changes to storm water volume, release rate, erosion, sedimentation, and water quality, determines that the requirements of this chapter and chapters 30.43C, 30.43D, 30.44, 30.62, 30.62A, 30.62B, 30.62C, 30.63B, 30.64, ~~((and))~~ 30.65 and 30.67 SCC adequately address those impacts, compliance with those requirements shall constitute adequate analysis of and mitigation for the specific adverse or significant adverse environmental impacts of the development activity with regard to on-site and off-site changes to storm water volume, release rate, erosion, sedimentation, and water quality, as provided by RCW 43.21C.240.

Section 22. Snohomish County Code Section 30.63B.050, last amended by Amended Ordinance 06-061 on August 1, 2007, is amended to read:

30.63B.050 Relationship to other environmental regulations.

(1) The grading requirements of this chapter, together with applicable requirements from chapters 30.44, 30.62, 30.62A, 30.62B and 30.62C, 30.63A, 30.64, ~~((and))~~ 30.65 and 30.67 SCC shall be used to determine the impacts of grading and required mitigation for on-site and off-site changes.

(2) When the director, upon consideration of the specific probable adverse environmental impacts on-site and off-site from grading associated with a development activity, determines that the requirements of this chapter and chapters 30.43C, 30.43D, 30.44, 30.62, 30.62A, 30.62B, and 30.62C, 30.63A, 30.64, ~~((and))~~ 30.65 and 30.67 SCC adequately address those impacts, compliance with those requirements shall constitute adequate analysis of and mitigation for the specific adverse or significant adverse environmental impacts on-site and off-site from grading associated with the development activity, as provided by RCW 43.21C.240.

Section 23. Snohomish County Code Section 30.65.220, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.65.220 Floodways: permitted uses.

The following uses are allowed in the floodway when permitted by the applicable zone in accordance with chapter 30.22 SCC, provided the use is in compliance with the applicable general and specific floodproofing standards of SCC 30.65.110 and 30.65.120, and other applicable provisions of this chapter and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of SCC 30.65.230(1):

(1) Agriculture;

(2) Forestry, including processing of forest products with portable equipment;

- 1 (3) Preserves and reservations;
- 2 (4) Park and recreational activities;
- 3 (5) Removal of rock, sand and gravel, when the applicant can provide clear and convincing
4 evidence that such uses will not divert flood flows causing channel shift or erosion,
5 accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding
6 threat to upstream flood hazard areas, or in any other way threaten public or private
7 properties. When allowed, such removal shall comply with the provisions of chapter 30.31D
8 SCC and the county shoreline management (~~((master))~~) program;
- 9 (6) Utility transmission lines when allowed in underlying zones unless otherwise
10 prohibited by this chapter. When the primary purpose of such a transmission line is to
11 transfer bulk products or energy through a floodway en route to another destination, as
12 opposed to serving customers within a floodway, such transmission lines shall conform to the
13 following:
- 14 (a) All utility transmission lines shall cross floodways by the most direct route feasible
15 as opposed to paralleling floodways;
- 16 (b) Electric transmission lines shall span the floodway with support towers located in
17 flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive
18 width, support towers shall be located to avoid high flood water velocity and/or depth areas,
19 and shall be adequately floodproofed;
- 20 (c) Buried utility transmission lines transporting hazardous materials, including but not
21 limited to crude and refined petroleum products and natural gas, shall be buried a minimum
22 of four feet below the maximum established scour of the waterway, as calculated on the basis
23 of hydrologic analyses. Such burial depth shall be maintained horizontally within the
24 hydraulic floodway to the maximum extent of potential channel migration as determined by
25 hydrologic analyses. In the event potential channel migration extends beyond the hydraulic
26 floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also
27 govern placement. All hydrologic analyses are subject to acceptance by the county, shall
28 assume the conditions of a 100-year frequency flood as verified by the U.S. Army Corps of
29 Engineers, and shall include on-site investigations and consideration of historical meander
30 characteristics in addition to other pertinent facts and data. The use of riprap as a meander
31 containment mechanism within the hydraulic floodway shall be consistent with the
32 (~~((Snohomish County))~~) county shoreline management (~~((master))~~) program;
- 33 (d) Buried utility transmission lines transporting non-hazardous materials including
34 water and sewage shall be buried a minimum of four feet below the maximum established
35 scour of the waterway as calculated on the basis of hydrologic analyses. Such burial depth
36 shall be maintained horizontally within the hydraulic floodway to the maximum extent of
37 potential channel migration as determined by hydrologic analyses. All hydrologic analyses
38 shall conform to requirements in SCC 30.65.220(6)(c). The use of riprap as a meander
39 containment mechanism within the hydraulic floodway shall be consistent with the county
40 shoreline management (~~((master))~~) program;
- 41 (e) Beyond the maximum extent of potential channel migration, utility transmission
42 lines transporting hazardous and non-hazardous materials shall be buried below existing
43 natural and artificial drainage features. Burial depth in all agricultural areas requiring or
44 potentially requiring subsurface drainage shall be a minimum of six feet as measured from
45 ground surface to the top of the transmission line, or at other such depth as deemed necessary

1 by on-site investigations performed by a qualified soils expert familiar with county soils.
2 Burial depth in all other agricultural and non-agricultural floodway areas shall be determined
3 on the basis of accepted engineering practice and in consideration of soil conditions and the
4 need to avoid conflict with agricultural tillage;

5 (f) All buried utility transmission lines shall achieve sufficient negative buoyancy so
6 that any potential for flotation or upward migration is eliminated;

7 (g) Above ground utility transmission lines, not including electric transmission lines,
8 shall only be allowed for the transportation of non-hazardous materials where an existing or
9 new bridge or other structure is available and capable of supporting the line. When located
10 on existing or new bridges or other structures with elevations below the level of the 100-year
11 flood, the transmission line shall be placed on the down-stream side and protected from flood
12 debris. In such instances, site specific conditions and flood damage potential shall dictate
13 placement, design and protection throughout the floodway. Applicants must demonstrate
14 that such above ground lines will have no appreciable effect upon flood depth, velocity or
15 passage, and shall be adequately protected from flood damage. If the transmission line is to
16 be buried except at the waterway crossing, burial specifications shall be determined as in
17 SCC 30.65.220(6)(d).

18 (h) All floodway crossings by utility transmission lines transporting hazardous
19 materials shall be equipped with valves capable of blocking flow within the pipeline in the
20 event of leakage or rupture. All floodway crossings shall have valves unless otherwise
21 indicated by standard engineering review of the site and type of transmission line as
22 acceptable to the county with locations determined by other provisions of this chapter;

23 (i) Above ground utility transmission line appurtenant structures including valves,
24 pumping stations, or other control facilities shall not be permitted in the floodway; and

25 (j) Where a floodway has not been determined by preliminary Corps of Engineers'
26 investigations or official designation, a floodway shall be defined by qualified engineering
27 work by the applicant on the basis of a verified 100-year flood event;

28 (7) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures
29 which are located on lands designated as agricultural lands of long-term commercial
30 significance under RCW 36.70A.170, subject to the following:

31 (a) The new farmhouse is a replacement for an existing farmhouse on the same farm
32 site;

33 (b) There is no potential building site for a replacement farmhouse on the same farm
34 outside the designated floodway;

35 (c) The farmhouse being replaced shall be removed, in its entirety, including
36 foundation, from the floodway within 90 days after occupancy of the new farmhouse;

37 (d) For substantial improvements, and replacement farmhouses, the elevation of the
38 lowest floor of the improvement and farmhouse respectively, including basement, is one foot
39 higher than the base flood elevation;

40 (e) New and replacement water supply systems, are designed to eliminate or minimize
41 infiltration of flood waters into the system;

42 (f) New and replacement sanitary sewerage systems are designed and located to
43 eliminate or minimize infiltration of flood waters into the system and discharge from the
44 system into the flood waters;

45 (g) All other utilities and connections to public utilities are designed, constructed, and

1 located to eliminate or minimize flood damage;

2 (h) The replacement farmhouse shall not exceed the total square footage of
3 encroachment of the structure which it is replacing.

4 (8) Replacement of single family dwellings, other than farmhouse replacement pursuant to
5 SCC 30.65.220(7), when the flood depth, flood velocity, and flood-related erosion of the site
6 is evaluated in order to identify a building location that offers the least risk of harm to life
7 and property. A suitable building location for a replacement structure shall be approved for
8 structures damaged by flooding or flood-related erosion only when the following are met:

9 (a) The State Department of Ecology, pursuant to RCW 86.16.041(4) and (5), assesses
10 the risk of harm to life and property posed by the specific conditions of the floodway at any
11 proposed building site, and based upon scientific analysis of depth, velocity, and flood-
12 related erosion recommends to the county that a waiver to the floodway prohibition of RCW
13 86.16.041(2)(a) for repair, replacement or relocation of such structures is authorized for a
14 specific building location.

15 (b) Repair, replacement or relocation of such structures is permitted only when
16 authorization required pursuant to 30.65.220(8)(a) is given in writing by the state department
17 of ecology pursuant to RCW 86.16.041(4) and (5).

18 (9) Repair, reconstruction, or improvement of residential structures, where repair,
19 reconstruction, or improvement of a structure does not increase the ground floor area, and is
20 not a substantial improvement.

21 (10) Water-dependent utilities and other installations which by their very nature must be in
22 the floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood
23 control and/or hydroelectric production; water diversion structures and facilities for water
24 supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and
25 facilities; hydroelectric generating facilities and appurtenant structures; structural and
26 nonstructural flood damage reduction facilities, and stream bank stabilization structures and
27 practices. The applicant shall supply convincing evidence that a floodway location is
28 necessary in view of the objectives of the proposal and that the proposal is consistent with
29 other provisions of this chapter and the county shoreline management (~~master~~) program. In
30 all instances of locating utilities and other installations in floodway locations, project design
31 must incorporate floodproofing.

32 (11) Dikes, when the applicant can provide clear and convincing evidence that:

33 (a) Adverse effects upon adjacent properties will not result relative to increased
34 floodwater depths and velocities during the base flood or other more frequent flood
35 occurrences;

36 (b) Natural drainage ways are minimally affected in that their ability to adequately
37 drain floodwaters after a flooding event is not impaired; and

38 (c) The proposal has been coordinated through the appropriate diking district where
39 applicable, and that potential adverse effects upon other affected diking districts have been
40 documented.

41 (12) Public works, limited to roads and bridges.

42

Section 24. Snohomish County Code Section 30.65.280, last amended by Amended Ordinance 05-068 on September 7, 2005, is amended to read:

30.65.280 Density fringe area: permitted uses.

The following uses are permitted in the density fringe area:

(1) Agriculture, including:

(a) Accessory agricultural structures such as but not limited to barns, milking parlors, silos, manure tanks, and loafing sheds that provide direct support for primary agricultural activities including tilling of the soil, raising of crops, horticulture, viticulture, small livestock, poultry, pasturing, grazing, dairying and/or animal husbandry; and

(b) Livestock protection mounds, when the mounds do not consist of solid waste as defined by this title; and

(c) Manure pits and lagoons;

(2) Forestry, including processing of forest products with portable equipment;

(3) Preserves and reservations;

(4) Parks and recreational activities;

(5) Removal of rock, sand and gravel providing that the applicant can provide clear and convincing evidence that such a use will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flood threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter 30.31D SCC and the county shoreline management ((master)) program;

(6) Utility transmission lines, under the same terms and conditions of SCC 30.65.200(2);

(7) Water-dependent utilities. Examples of such uses are dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; and structural and non-structural flood damage reduction facilities, and stream bank stabilization structures and practices;

(8) Improvements to existing residential structures that do not exceed the maximum allowable density and obstruction requirements of SCC 30.65.250 and 30.65.255;

(9) Single family farmhouse structures including modular homes and mobile homes placed on permanent concrete foundations, if the following conditions are met:

(a) The structure is constructed to building code standards;

(b) The farmhouse is necessary to the operation of a commercial farm engaged in agriculture;

(c) A potential building site for the farmhouse on the same farm site is not available outside the density fringe area;

(d) Earthfill utilized for building foundation shall be emplaced and stabilized in a manner that will prevent erosion from flood water flow;

(e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;

(f) New and replacement sanitary sewerage systems are designed and located to

eliminate or minimize infiltration of flood waters into the system and to eliminate or minimize discharge from the system into the flood waters;

(g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;

(h) An egress plan for vacating the structure during the base flood occurrence shall be provided;

(10) Marinas;

(11) Dikes, if the applicant can provide clear and convincing evidence that:

(a) Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;

(b) Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired; and

(c) The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented;

(12) Utility facilities;

(13) Public works, limited to:

(a) Roads,

(b) Bridges,

(c) Docks, and

(d) Port facilities; and

(14) In urban growth areas only, sawmill storage yards when located adjacent to existing sawmill uses.

Section 25. A new chapter is added to Title 30 of the Snohomish County Code to read:

Chapter 30.67 SCC Shoreline Management Program

PART 000 General.

30.67.010 Purpose.

30.67.020 Applicability.

30.67.030 Shoreline Management Program (SMP) – components and relationship to comprehensive plan.

30.67.040 Relationship to chapter 30.61 SCC – environmental impacts.

30.67.060 Relationship to critical area regulations, chapters 30.62A, 30.62B, 30.62C and 30.65 SCC.

30.67.070 Relationship to other regulatory requirements.

PART 100 Procedures.

30.67.110 Amendments to the SMP.

30.67.120 Administration and enforcement.

1	PART 200	Shoreline designations and maps.
2	30.67.210	Shoreline environment designations.
3	30.67.220	Shoreline environment designation maps.
4	30.67.230	Shorelines of statewide significance.
5		
6	PART 300	General regulations to comply with Shoreline Management Act goals.
7	30.67.310	Compliance required even when shoreline permit not required.
8	30.67.320	No net loss of shoreline ecological functions.
9	30.67.330	Public access.
10	30.67.340	Cultural, archaeological and historical resources.
11	30.67.350	Water quality, storm water, and nonpoint pollution.
12		
13	PART 400	Shoreline uses and modifications – General regulations.
14	30.67.410	Use preference within shorelines - location.
15	30.67.420	Prohibited uses.
16	30.67.430	Allowed and conditional uses and modifications.
17	30.67.440	Reference notes for shoreline use and modification matrix.
18	30.67.450	Non-conforming uses or structures.
19	30.67.460	Bulk standards.
20	30.67.470	Temporary emergency use, modification or structure.
21		
22	PART 500	Specific shoreline uses and modifications.
23	30.67.501	Purpose.
24	30.67.505	Agriculture.
25	30.67.510	Aquaculture.
26	30.67.515	Boating facilities.
27	30.67.520	Breakwaters, jetties, groins and other in-water structures.
28	30.67.525	Commercial.
29	30.67.530	Dredging and spoil disposal.
30	30.67.535	Fill.
31	30.67.540	Flood protection measures.
32	30.67.545	Forestry.
33	30.67.550	Industry and Ports.
34	30.67.555	Institutional.
35	30.67.560	Mining.
36	30.67.565	Recreation.
37	30.67.570	Residential.
38	30.67.575	Shoreline and bank stabilization.
39	30.67.580	Shoreline habitat restoration and enhancement.
40	30.67.585	Signs.
41	30.67.590	Transportation, circulation and parking.
42	30.67.595	Utility facilities.
43	30.67.599	Vegetation conservation and management.
44		

PART 000 General.

30.67.010 Purpose.

The purpose of this chapter is:

- (1) To implement the goals of the Shoreline Management Act (SMA) (chapter 90.58 RCW) and the state Department of Ecology's implementing guidelines (chapter 173-26 WAC); and
- (2) To provide a uniform basis for applying Snohomish County Shoreline Management Program (SMP) policies and development regulations within distinctive shoreline areas.

30.67.020 Applicability.

This chapter applies to all land uses, modifications, development activities, actions requiring project permits or approvals, clearing and agricultural activities as per RCW 90.58.065 within the county's shorelines of statewide significance, shorelines and shorelands.

30.67.030 Shoreline Management Program (SMP) – components and relationship to comprehensive plan.

- (1) The SMP consists of the following three components:
 - (a) A document titled *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*;
 - (b) A series of 44 maps indexed by township and range and originally compiled at a scale of 1:24,000 that comprise the official delineation of the county's shoreline jurisdiction and assignment of shoreline environment designations;
 - (c) Shoreline regulations contained in this chapter; and
 - (d) Critical area regulations in chapters 30.62A, 30.62B and 30.62C SCC as adopted in Amended Ordinance 06-061 on August 1, 2007, and chapter 30.65 SCC as adopted in Amended Ordinance 07-005 on February 21, 2007.
- (2) The goals and policies of the SMP are considered an element of the comprehensive plan pursuant to SCC 30.10.065.

30.67.040 Relationship to chapter 30.61 SCC – environmental impacts.

Shoreline protective measures required by this chapter shall constitute adequate mitigation of adverse or significant impacts on shoreline ecological functions pursuant to chapter 30.61 SCC when such a determination is made under RCW 43.21C.240.

30.67.060 Relationship to Critical Area Regulations, chapters 30.62A, 30.62B, 30.62C and 30.65 SCC.

- (1) Critical areas located within shoreline jurisdiction are subject to the regulations contained in chapters 30.62A, 30.62B, 30.62C, as adopted by Amended Ordinance No. 06-061 August 1, 2007, and 30.65 SCC as adopted by Amended Ordinance No. 07-005 on February 21, 2007, except as modified by SCC 30.67.060(2).
- (2) The following provisions in chapter 30.62A SCC are modified as described for critical areas located within shoreline jurisdiction:

1 (a) SCC 30.62A.540 relating to reasonable use does not apply;

2 (b) When public access is required pursuant to the Americans with Disabilities Act

3 (ADA), 42 U.S.C. § 12101 et.seq., access design requirements necessary to meet the ADA

4 shall supersede the requirements of SCC 30.62A.320(2)(d);

5 (c) Notwithstanding the provisions in SCC 30.62A.610 and SCC 30.62B.510,

6 agricultural activities within shoreline jurisdiction and which are subject to the provisions in

7 the Shoreline Management Act per RCW 90.58.065 shall protect critical areas pursuant to the

8 requirements in SCC 30.62A, Part 600 and 30.62B, Part 500;

9 (d) When the setback deviation provisions of SCC 30.62B.340(2)(b) are utilized for a

10 project proposal, a shoreline variance permit is required;

11 (e) When the single family residential development exception in buffers provisions in

12 SCC 30.62A.520 are utilized for a project proposal, the following additional conditions

13 apply:

14 (i) A shoreline variance permit is required when over 2,500 square feet of

15 buffer is disturbed; and

16 (ii) A shoreline variance permit is required for expansion of an existing single

17 family residence or accessory structure;

18 (f) In addition to the provisions in SCC 30.62B.330(3), the following activities are

19 allowed within channel migration zones: restoration or enhancement of shoreline ecological

20 functions; and mitigation for impacts to shoreline ecological functions, including but not

21 limited to mitigation banks; and

22 (g) New single family residential development, expansions of existing single family

23 residences and ordinary residential improvements on existing lots allowed in buffers under

24 SCC 30.62A.520 shall require enhancement of existing buffers based on the criteria in SCC

25 30.62A.520(11) and shall meet these additional requirements:

26 (i) Vegetation enhancement efforts shall ensure that the final vegetation

27 condition is capable of mitigating impacts and maintaining existing ecological functions.

28 (ii) If the shoreline is unmodified and/or the vegetation is relatively intact, the

29 mitigation plan shall provide alternatives, such as out-of-kind mitigation by restoring other

30 degraded ecological functions, or by using off-site mitigation.

31 (iii) Where modifications such as fill, armoring, patios, etc., have been placed

32 in the buffer, these modifications shall be removed or reduced to the extent necessary to

33 mitigate impacts on the buffer. As guidance, non-water-dependent facilities such as patios

34 should be removed, accesses should be reduced to the minimum needed to provide access,

35 and armoring should be replaced with natural vegetation or non-structural measures.

36 (3) Except as specifically modified by SCC 30.67.060(2), where there are conflicts

37 between the provisions of this chapter and the provisions of chapters 30.62A, 30.62B, 30.62C

38 and 30.65 SCC, the more ecologically protective provision shall apply.

39 (4) When the innovative development design provisions of SCC 30.62A.350 are utilized

40 for a project proposal, a shoreline variance permit is required, except that projects solely for

41 ecological restoration or enhancement using the provisions of SCC 30.62A.350 are not

42 required to obtain a shoreline variance permit.

43

44

1 **30.67.070 Relationship to other regulatory requirements.**

2 The project proponent is responsible for complying with all applicable federal, state, and
3 local regulations. Compliance with the SMP does not necessarily constitute compliance with
4 other regulations and permit requirements that may apply within shoreline jurisdiction.
5 Where other agencies or entities have concurrent jurisdiction over the proposed development
6 and the department determines that the permit conditions imposed by such agencies or
7 entities satisfy the requirements of this chapter, those permit conditions may be relied upon
8 for the purpose of determining compliance with the requirements of this chapter.

9 **PART 100 Procedures.**

10 **30.67.110 Amendments to the SMP.**

11 (1) Amendments to the SMP will be processed as Type 3 legislative decisions pursuant to
12 chapter 30.73 SCC.

13 (2) Amendments to the SMP may be proposed under the provisions of SCC 30.74.

14 (3) Any locally approved amendments to the SMP will not become effective until
15 approved by the state Department of Ecology.

16 **30.67.120 Administration and enforcement.**

17 (1) Shoreline permit requirements and processes are regulated pursuant to chapter 30.44
18 SCC.

19 (2) Shoreline permit and review fees are established in chapter 30.86 SCC.

20 (3) The provisions of the SMP will be enforced under the provisions of chapter 30.85 SCC.

21 (4) The provisions listed in SCC 30.67.120(1) through (3) are not components of the SMP.

22 **PART 200 Shoreline designations and maps.**

23 **30.67.210 Shoreline environment designations.**

24 (1) The county has designated shorelines pursuant to chapter 90.58 RCW by defining
25 them, providing criteria for their identification and establishing the shoreline ecological
26 functions to be protected. Project proponents are responsible for determining whether a
27 shoreline exists and is regulated pursuant to this chapter. The department will verify on a
28 case-by-case basis the presence of shorelines identified in shoreline applications. Specific
29 criteria for the designation of shorelines areas are contained in section 2.2 of the *Shoreline*
30 *Management Program: Shoreline Environment Designations, Policies and Regulations*, and
31 in SCC 30.67.220.

32 (2) The SMP classifies shorelines into one of seven shoreline environment designations
33 consistent with the purpose and designation criteria in section 2.2 of the *Shoreline*
34 *Management Program: Shoreline Environment Designations, Policies and Regulations*. The
35 seven shoreline environment designations include: Aquatic, Natural, Resource, Municipal
36 Watershed Utility, Rural Conservancy, Urban Conservancy and Urban.

1 **30.67.220 Shoreline environment designation maps.**

2 (1) The shoreline environment designation maps generally depict the location of
3 shoreline jurisdiction, however, the determination of whether a specific site is within
4 shoreline jurisdiction is determined case-by-case based on the property's location and
5 physical characteristics and features. For property determined to be located within shoreline
6 jurisdiction and not designated on the official maps and not subject to SCC 30.67.220(2), the
7 shoreline environment designation shall be based on the shoreline environment designation
8 criteria and the following additional criteria as applicable:

9 (a) Property or portions of property, including associated wetlands, located
10 waterward of the ordinary high water mark (OHWM), shall be considered Aquatic;

11 (b) Property or portions of property located landward of the OHWM on bars and
12 islands on rivers and streams shall be considered Natural;

13 (c) Property or portions of property located landward of the OHWM and within an
14 urban growth area shall be considered Urban and subject to further review for designation as
15 Urban Conservancy based on the criteria in section 2.2.6 of *Shoreline Management Program:*
16 *Shoreline Environment Designations, Policies and Regulations*;

17 (d) Property or portions of a property located landward of the OHWM and outside of
18 an urban growth area, and not zoned A-10, F, F&R, or MC, shall be considered Rural
19 Conservancy and subject to further review for designation as Natural based on the criteria in
20 section 2.2.2 of *Shoreline Management Program: Shoreline Environment Designations,*
21 *Policies and Regulations*;

22 (e) Property or portions of a property located landward of the OHWM and outside of
23 an urban growth area and zoned A-10, F, F&R, or MC, shall be considered Resource and
24 subject to further review for designation as Natural based on the criteria in section 2.2.2 of
25 *Shoreline Management Program: Shoreline Environment Designations, Policies and*
26 *Regulations*; and

27 (f) Associated wetlands located landward of the ordinary high water mark (OHWM)
28 shall be designated consistent with the adjacent designation of the associated shoreland.

29 (2) Non-federal lands lying within the exterior boundaries of federal lands and those
30 federal lands leased by the federal government to other persons, which fall within the
31 definition of shorelines of the state or shorelands and are subject to the county's SMP, shall
32 be designated as follows:

33 (a) The Aquatic shoreline environment shall be applied below the ordinary high
34 water mark;

35 (b) The Natural shoreline environment shall be applied to all shoreline jurisdiction
36 above the ordinary high water mark when federal lands are within a designated wilderness
37 area; and

38 (c) The Resource shoreline environment designation shall be applied to all shoreline
39 jurisdiction not meeting the criteria in 30.67.220(2)(a) or (b).

40 (3) Unless otherwise specified by the shoreline environment designation criteria or other
41 established points, lines, or features, the designation boundary lines are the ordinary high
42 water mark of water bodies, and the centerlines of rights-of-way, public alleys, parkways, or
43 railroad rights-of-way.

(4) Shoreline environment designations shall not change as a result of the vacation of a right-of-way, a road or an alley.

(5) All shoreline boundary determinations shall be consistent with the designation criteria for the shoreline environment designations.

30.67.230 Shorelines of statewide significance.

In Snohomish County, shorelines of statewide significance include: Lake Stevens, Spada Lake, Sauk River, North and South Forks of the Stillaguamish River, Snohomish River, Skykomish River (including North Fork), Snoqualmie River, Skagit Bay, Stillaguamish River Estuary and the Snohomish River Estuary. Also included as shorelines of statewide significance are the non-tideland areas of the unincorporated portions of the Puget Sound, Possession Sound, Port Gardner, and Port Susan.

PART 300 General regulations to comply with Shoreline Management Act goals.

30.67.310 Compliance required even when shoreline permit not required.

All proposed land uses, modifications, development, clearing or new agricultural activities occurring within shoreline jurisdiction, including any development exempt from obtaining a shoreline substantial development permit pursuant to SCC 30.44.120, must conform to the Shoreline Management Act and the SMP goals and policies unless not subject to the Shoreline Management Act pursuant to SCC 30.44.020.

30.67.320 No net loss of shoreline ecological functions.

(1) All proposed land uses, modifications, development or new agricultural activities shall be designed and conducted to achieve no net loss of shoreline ecological functions as defined in WAC 173-26-201(3)(d)(i)(C).

(2) Project proponents shall make all reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas, and their buffers as required under SCC 30.62A.310(3)(a).

30.67.330 Public access.

(1) Unless the conditions in 30.67.330(2) apply, provision of public access to the water is required for all new private and public developments, including land division, with the exception of the following:

(a) Single family dwellings; duplexes; single family detached units, townhouses, and condominiums creating four or few parcels or dwelling units; and multi-family developments of four or fewer lots or dwelling units; and

(b) Agricultural/ranching activities other than dikes.

(2) Provision of public access will not be required when at least one of the following conditions apply:

1 (a) Hazards to public health, safety or site security exist which cannot be alleviated by
2 site planning and design or by restricting hours of public access;

3 (b) Provision of public access would result in significant adverse impacts to shoreline
4 ecological functions that cannot be mitigated on-site; or

5 (c) The requirement of providing public access for a particular project violates
6 constitutional standards related to nexus and rough proportionality.

7 (3) Provisions for public access are subject to the following standards:

8 (a) Except as restricted pursuant to SCC 30.67.330(3)(e), public access shall be a
9 physical improvement in the form of any one or combination of the following: walkway,
10 bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp,
11 transient moorage, or other areas serving as a means of view or physical approach to public
12 waters for the public. Public access may also include, but not be limited to, interpretive
13 centers and displays explaining historical events or shoreline ecology;

14 (b) The minimum public access shall consist of an improved walkway at least five
15 feet wide on an easement ten feet wide, leading from the street or from a public walkway
16 directly to a waterfront use area or to an area on the property from which the water
17 and water activities can be observed. There shall be no significant obstruction of the view
18 from this viewpoint;

19 (c) Maintenance of the public access shall be the responsibility of the owner or
20 developer;

21 (d) Public access sites shall be available for public use at the time of first occupancy
22 or use of the development or activity;

23 (e) While docks, piers and other permanent moorages are not allowed in the Urban
24 Conservancy or Natural shoreline environment designations, or the Aquatic shoreline
25 environment designation adjacent to the Urban Conservancy or Natural shoreline
26 environment designations, floating walkways or other similar over-water pedestrian
27 structures facilitating access to observation points or viewing areas are permitted provided
28 they are constructed to minimize alteration of natural conditions; and

29 (f) All subdivisions required to provide public access pursuant to SCC
30 30.67.570(1)(e) that border publicly-owned or controlled shorelines shall provide at least one
31 dedicated public access to the publically-owned or controlled shoreline.

32 **30.67.340 Cultural, archaeological and historical resources.**

33 (1) Developers and property owners shall immediately stop work and notify the county,
34 the state office of archaeology and historic preservation and affected Indian tribes if
35 archaeological resources are uncovered during excavation.

36 (2) Permits issued in areas documented to contain archaeological resources shall require a
37 site inspection or evaluation by a professional archaeologist in coordination with affected
38 Indian tribes.

1 **30.67.350 Water quality, storm water, and nonpoint pollution.**

2 Where chapters 30.63A or 30.63B SCC allow alternative measures or facilities to protect
3 water quality, manage stormwater or prevent nonpoint pollution, the county will evaluate the
4 alternatives based on the following criteria:

5 (1) The alternatives must be consistent with the shoreline management policies for the
6 appropriate shoreline environment designation in section 2.2 of *Snohomish County Shoreline*
7 *Management Program: Shoreline Environment Designations, Policies and Regulations*; and

8 (2) The alternative that provides the greatest level of protection of shoreline ecological
9 functions shall apply.

10 **PART 400 Shoreline uses and modifications – General regulations.**

11 **30.67.410 Use preference within shoreline jurisdiction - location.**

12 (1) All shoreline uses, development or modifications located entirely or in part 200 feet
13 or less from the ordinary high water mark or floodway, whichever is closer, unless separated
14 from the shoreline of the state by another property or a public right-of-way, are subject to the
15 following requirements:

16 (a) They must be or support an allowable primary shoreline use in conformance with
17 the provisions of the SMP. Development that is not related or incidental to a conforming
18 shoreline use is prohibited, except as provided in SCC 30.67.410(1)(c);

19 (b) Commercial or industrial primary shoreline uses or development must be water-
20 oriented uses or development subject to the provisions of SCC 30.67.525 or SCC 30.67.550
21 as applicable; and

22 (c) Shoreline modifications are allowed when necessary to protect existing legally
23 established non-conforming uses or primary structures provided the modification is
24 consistent with the provisions of this chapter.

25 (2) Uses, development or modifications in portions of shoreline jurisdiction entirely
26 located more than 200 feet from the ordinary high water mark or floodway, whichever is
27 closer, or separated from the shoreline of the state by another property or a public right-of-
28 way, shall be deemed to have no use connection with the water body. These developments
29 shall be subject to all other policies and regulations of this chapter except the policies and
30 regulations of this SMP which require:

31 (a) The use or development to be water-oriented; and

32 (b) Provision of public access.

33
34 **30.67.420 Prohibited uses.**

35 The following uses are prohibited in shoreline jurisdiction:

36 (1) Asphalt batch plant and continuous mix asphalt plant;

37 (2) Major auto repair;

38 (3) Auto wrecking yard or junk yard;

39 (4) Billboards and animated signs;

40 (5) Commercial vehicle storage facility;

- (6) Distillation of wood, coal or bones or manufacturing of their by-products;
- (7) Explosive manufacturing or storage;
- (8) Floating homes;
- (9) Forestry industry storage and forestry equipment maintenance facility, except log storage;
- (10) Forge, foundry, blast furnace or melting of ore;
- (11) Fuel or coal yard;
- (12) Hazardous waste storage or treatment facilities;
- (13) Storage or refining of petroleum products or gas;
- (14) Rolling or blooming mills;
- (15) Sanitary landfill;
- (16) Sludge utilization;
- (17) Stockyard or slaughter house;
- (18) Tannery;
- (19) Tar distillation or manufacturing;
- (20) Transit center; and
- (21) Woodwaste recycling or storage, including temporary activities except when in conjunction with an approved shoreline ecological restoration or soil bioengineering project.

30.67.430 Allowed and conditional uses and modifications.

- (1) The shoreline uses and shoreline modifications identified in Table 1 are either permitted, conditionally allowed or prohibited within the specific shoreline environment designation as indicated by the following:
 - (a) "P" indicates that the use or modification is permitted;
 - (b) "C" indicates that the use is allowed subject to a shoreline conditional use permit;
 - (c) "P or C" indicates that the overwater portion of the use or modification is permitted in the Aquatic shoreline environment designation where permitted in the adjacent upland environment, subject to a shoreline conditional use permit in the Aquatic shoreline environment designation where conditional in the adjacent upland environment and prohibited in the Aquatic shoreline environment designation where prohibited in the adjacent upland environment; and
 - (d) A blank cell in the table indicates that the use or modification is prohibited in that specific shoreline environment.
- (2) Compliance with chapters 30.22 and 30.23 SCC is also required.
- (3) Uses and modifications identified in Table 1 are subject to the shoreline use and modification development standards in Part 500 of this chapter.
- (4) The department may condition shoreline permits or approvals for uses or modifications as necessary to ensure compliance with:
 - (a) Chapter 90.58 RCW and the provisions in this chapter;
 - (b) The policies in the *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*; and
 - (c) Any other applicable federal, state and local rules and regulations.

(5) Uses or modifications not listed in SCC 30.67.420 or 30.67.430(1), Table 1, must obtain a shoreline conditional use permit even though the use or modification may not require a shoreline substantial development permit.

30.67.430 - Table 1: Shoreline Use and Modification Matrix

Land use or modification	Shoreline Environment Designation						
	Urban	Urban Conservancy	Rural Conservancy	Resource	Municipal Watershed Utility ¹	Natural	Aquatic ²
Agricultural activities ³	P	P	P	P		C	C
Manure lagoons	C		P	P			
Livestock flood sanctuaries	P	C	P	P			
Aquaculture ¹²							
Facilities ⁴	P		C	C			C
Harvest	P	P	P	P		C	P
Processing ^{4,7}	P		C	P			P or C
Boating Facilities: ^{4,13}							
Marina	P		C				C
Yacht / boat club	P		C				C
Boat launch facility	P		P	P			P or C
- Boat launch facility (boat ramp only)	P	C	P	P	P	C	P or C
Dock / boathouse (private)	P	C	P	P			P or C
Dock / pier / boathouse (public, commercial)	P		P	P			C
Floats, mooring buoys	P	C	P	P			P or C
Breakwaters, jetties, groins, other in-water structures ^{4,6,14}	C, P	P	C, P	C, P	P	C	C, P
Commercial ^{10,15}	P		P	P			C ²
Dredging ^{4,16}					C		C
Dredge spoil disposal ^{4,16}	C	C ⁵	C	C	C	C ⁵	C
Fill ^{4,17}	P	C, P ⁵	P	P	P	C, P ⁵	C, P ⁵
Flood protection: ^{4,18}							
Non-structural	P	P	P	P	P	P	C, P ⁵
Structural ¹¹	P	P ⁵	P	P	P		C, P ⁵
Forestry ^{8,19}	P, C	P, C	P, C	P, C	P, C	P, C	C ³⁰
Industrial and Ports ^{10,20}	P		P	P			C ²
Institutional uses ²¹	P		P	C			C ²
Mining ^{6,22}	C	C	C	C, P ⁹	C, P ⁹	C	C
Pedestrian access ²³							
Trails	P	P	P	P	P	P	
Elevated or Floating walkways ⁴	P	P	P	P			P
Stairways, ramps	P	C	P	P			
Recreation ²⁴	P	P	P	P	P	P	P
Residential ²⁵							
SFR, MH	P	P	P	P		C	
Duplex	P	C	P	P			
MF, townhouse, Single-Family Detached Units	P						
Mobile home park	P	C	C	C			
Houseboat, Live-aboard vessel							P ³¹
Floating Home							
Shoreline / bank stabilization: ^{4,26}							
Nonstructural	P	P	P	P	P	C	C, P ⁵
Structural ^{5,11}	C, P	P	C, P	C, P	C, P		C, P
Shoreline habitat restoration or enhancement ²⁷	P	P	P	P	P	P	P
- Mitigation Banks ³⁴	C	C	C	C			C
Transportation facilities ²⁸							
Bridges	P	C	P	P	C, P ³²		C ³³ , P ³²
Roads	P	C	P	P	C, P ³²		
Parking (incidental to use only)	P	C	P	P	C	C	

Utility facilities ²⁹	P	C	C	C	C		
Electromagnetic transmission and receiving facilities (generally)							
Transmission wires, pipes, supports (generally)	P	C	P	P	P	C	C
- transmission wires or pipes when suspended from bridge or other similar structures (specifically)	P	P	P	P	P	P	P
Dams, power plants and associated uses			C	C	C		C
All other utility facilities	P		C	C	C		C

1

2 **30.67.440 Reference notes for shoreline use and modification matrix.**

3 (1) Uses in Municipal Watershed Utility are limited to utility uses associated with the
4 hydroelectric project, reservoir water storage, forest practices and recreation as limited by the
5 utility purveyor's Federal Energy Regulatory Commission (FERC) license. This area is
6 zoned exclusively as Forestry (F).

7 (2) Only those water-dependent portions of the use that require an over-water or in-
8 stream location are allowed in the Aquatic shoreline environment designation. Unless
9 otherwise specified, such uses are allowed in the Aquatic shoreline environment designation
10 only if the use is allowed in the adjacent upland shoreline environment designation(s).

11 (3) Agricultural uses are subject to the requirements in SCC 30.67.505.

12 (4) Uses or modifications are not allowed in critical salt water habitat unless in
13 conjunction with ecological restoration or enhancement projects.

14 (5) Shoreline modifications are permitted only when in conjunction with ecological
15 restoration or enhancement projects located outside of the Natural and adjacent Aquatic
16 environments.

17 (6) Mining activities within shoreline jurisdiction are limited to the activities allowed
18 pursuant to SCC 30.67.560(1)(a). Mining within the Aquatic shoreline environment
19 designation is also subject to the conditions in SCC 30.67.530 – Dredging. Mining for the
20 sole purpose of removing mineral resources for commercial sales or processing is prohibited
21 in shoreline jurisdiction.

22 (7) Aquaculture processing is only allowed in the Aquatic shoreline environment
23 designation when fully contained within a tending boat or barge.

24 (8) A conditional use permit is required for timber harvest exceeding 30 percent of the
25 timer volume within 200 feet landward of the ordinary high water mark of shorelines of
26 statewide significance pursuant to SCC 30.67.545(1)(a)(iii).

27 (9) Mining activities related to forest practices as defined in SCC 30.67.560(1)(a) are
28 permitted in the Resource or Municipal Watershed Utility shoreline environment
29 designations when over 200 feet from the OHWM and outside of the channel migration zone.
30 Removal of mineral resources deposited within the previous 12-month period on designated
31 farmlands due to recent flood events is permitted in the Resource shoreline environment
32 designation under SCC 30.67.540(2)(d).

33 (10) Non-water dependent commercial and industrial uses within shoreline jurisdiction
34 shall be strictly limited under SCC 30.67.525(1)(b) and 30.67.550(1)(b).

35 (11) Structural flood protection and structural shoreline or bank stabilization measures
36 are allowed only when non-structural measures would be inadequate as documented by a
37 geotechnical report required pursuant to SCC 30.67.540(1) or 30.67.575(1). If a flood

1 protection structure is in or near the water, it must also meet the requirements for shoreline
2 stabilization.

3 (12) Aquaculture uses are subject to the requirements in SCC 30.67.510.
4 (13) Boating facilities are subject to the requirements in SCC 30.67.515.
5 (14) Breakwaters, jetties, groins, other in-water structures are subject to the requirements
6 in SCC 30.67.520.
7 (15) Commercial uses are subject to the requirements in SCC 30.67.525.
8 (16) Dredging and spoil disposal are subject to the requirements in SCC 30.67.530.
9 (17) Fill is subject to the requirements in SCC 30.67.535.
10 (18) Flood protection measures are subject to the requirements in SCC 30.67.540.
11 (19) Forestry is subject to the requirements in SCC 30.67.545.
12 (20) Industrial uses and ports are subject to the requirements in SCC 30.67.550
13 (21) Institutional uses are subject to the requirements in SCC 30.67.555.
14 (22) Mining is subject to the requirements in SCC 30.67.560.
15 (23) Pedestrian access is subject to the requirements in SCC 30.67.330.
16 (24) Recreation is subject to the requirements in SCC 30.67.565.
17 (25) Residential uses are subject to the requirements in SCC 30.67.570.
18 (26) Shoreline and bank stabilization measures are subject to the requirements of SCC
19 30.67.575.
20 (27) Shoreline habitat restoration and enhancement are subject to the requirements of
21 SCC 30.67.580. Notwithstanding SCC 30.67.430(2), shoreline habitat restoration or
22 enhancement projects do not have to be identified on the use matrices in chapter 30.22 SCC
23 to be permitted in shoreline jurisdiction.
24 (28) Transportation facilities are subject to the requirements of SCC 30.67.590.
25 (29) Utility facilities are subject to the requirements of SCC 30.67.595.
26 (30) Timber removal from the Aquatic shoreline environment designation is subject to
27 the requirements in SCC 30.67.545(2)(c).
28 (31) Moorage of houseboats used as a primary residence and live-aboard vessels are
29 permitted only in marinas or in waters of the state subject to a lease or permission from the
30 state Department of Natural Resources.
31 (32) Roads and bridges constructed for forest practices in accordance with Title 222
32 WAC are permitted in the Municipal Watershed Utility environment. Bridges constructed for
33 forest practices in accordance with Title 222 WAC are permitted in the Aquatic environment
34 except when the adjacent environment is designated Natural.
35 (33) Bridges are conditionally permitted in the Aquatic environment provided they are
36 permitted or conditionally permitted in the adjacent upland environment.
37 (34) Mitigation banks are subject to the requirements in SCC 30.62A.550.
38 Notwithstanding SCC 30.67.430(2), mitigation banks do not have to be identified on the use
39 matrices in chapter 30.22 SCC to be permitted in shoreline jurisdiction.

40 **30.67.450 Non-conforming uses or structures**

41 The following requirements apply to uses or structures nonconforming to the shoreline
42 regulations in this chapter, which do not meet the criteria in SCC 30.44.125 and which were
43 lawfully constructed or established prior to the effective date of the Shoreline Management

1 Act (SMA) or the SMP, or amendments thereto, but which do not conform to present
2 regulations or standards of the SMP or policies of the SMA. These provisions apply to
3 nonconforming uses or structures in the shoreline jurisdiction in place of SCC 30.28.070
4 through SCC 30.28.075 and WAC 173-27-080.

5 (1) Continuance: Any legally established use or structure nonconforming to the
6 shoreline regulations in this chapter is permitted to remain in the form and location in which
7 it existed on the effective date of the nonconformance.

8 (2) Redevelopment or remodel. SMP nonconforming uses or structures may not be
9 enlarged or increased in any way, including expanded building footprint or increased height,
10 increased use intensity, or altered in any way which increases their nonconformity. A
11 nonconforming structure or use may be moved or relocated on the same parcel provided that
12 the degree of nonconformance with the SMP and the SMA is reduced and further provided
13 that the move or relocation results in improved protection for shoreline ecological functions.

14 (3) Restoration and replacement: If a nonconforming structure is damaged to an extent
15 not exceeding 75 percent of the replacement cost of the original structure, it may be
16 reconstructed to the extent it existed immediately prior to the time the structure was damaged
17 or to a smaller configuration or in a different location on the same parcel which reduces the
18 degree of nonconformity, so long as restoration is completed within one year of the date of
19 damage. Documentation of the date and extent of damage shall be required prior to issuance
20 of new permits.

21 (4) Abandonment: If a nonconforming use is discontinued for twelve consecutive
22 months, any subsequent use shall be conforming. The mere presence of a structure,
23 equipment, or material shall not be deemed to constitute the continuance of a nonconforming
24 use unless the structure, equipment, or material is actually being occupied or employed in
25 maintaining such use. It shall not be necessary to show that the owner of the property
26 intended to abandon such nonconforming use in order for the nonconforming rights to expire.

27 (5) Non-conforming uses and structures which meet the criteria in SCC 30.44.125 are
28 subject to the shoreline substantial development permit requirements in chapter 30.44 SCC.

29 (6) A structure for which a variance has been issued shall be considered a legal nonconforming
30 structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

31 (7) A structure which is being or has been used for a nonconforming use may be used for a
32 different nonconforming use only upon the approval of a conditional use permit.

33 (a) A conditional use permit may be approved only upon a finding that:

34 (i) No reasonable alternative conforming use is practical; and

35 (ii) The proposed use will be at least as consistent with the policies and provisions of
36 the act and the SMP and as compatible with the uses in the area as the preexisting use.

37 (b) In addition such conditions may be attached to the permit as are deemed necessary to
38 assure compliance with the findings in SCC 30.67.450(6)(a), the requirements of the SMP and the
39 SMA and to assure that the use will not become a nuisance or a hazard.

40 **30.67.460 Bulk standards.**

41 (1) No permit shall be issued for any new or expanded building or structure of more than
42 35 feet above average grade level on shorelines of the state that will obstruct the view of a
43 substantial number of residences on areas adjoining such shorelines, except where the SMP

1 does not prohibit the same and then only when overriding considerations of the public
2 interest will be served.

3 (2) In the Urban Conservancy, Rural Conservancy, Resource and Natural shoreline
4 environment designations, lot coverage is limited to ten percent of effective impervious
5 surface.

6 (3) In the Urban Conservancy, Rural Conservancy and Natural shoreline environment
7 designations, building height is limited to a maximum of 35 feet.

8 (4) Except in the Urban environment, the minimum lot width fronting shoreline waters
9 shall be 200 feet unless a greater minimum width is specified pursuant to SCC 30.23.030(1);
10 provided that this provision shall not apply to legal lots existing prior to September 30, 2010.

11 (5) Use-specific or modification-specific bulk standards may also be required pursuant to
12 Part 500 of this chapter.

13 (6) Unless otherwise specified in this chapter, bulk standards are regulated pursuant to
14 chapter 30.23 SCC. Additional setback or buffer requirements for critical areas are required
15 pursuant to chapters 30.62, 30.62A and 30.62B SCC.

16 **30.67.470 Temporary emergency use, modification or structure.**

17 In emergency situations, as defined pursuant to SCC 30.91E.100, construction of a temporary
18 use, modification or structure may be allowed in accordance with SCC 30.44.280.

19 **PART 500 Specific shoreline uses and modifications.**

20 **30.67.501 Purpose.**

21 The purpose of this Part 500 is to establish:

22 (1) Development standards for shoreline uses and modifications consistent with the
23 Shoreline Management Act and with Part 300 of this chapter; and

24 (2) Development standards for shoreline uses and modifications consistent with the
25 purpose of each shoreline environment designation and the policies for each specific use or
26 modification contained in *Snohomish County Shoreline Management Program: Shoreline*
27 *Environment Designations, Policies and Regulations*.

28 **30.67.505 Agriculture.**

29 The provisions in this section of the county's SMP apply to new agricultural activities
30 including, but not limited to, all uses that are allowed as permitted or conditional uses in the
31 A-10 zone under SCC 30.22.110 which also meet the definition of "agricultural activities" in
32 SCC 30.91A.092 and which are proposed on land not currently used for agricultural
33 activities. Conversion of agricultural land within shoreline jurisdiction to other non-
34 agricultural uses is subject to the use restrictions in chapter 30.67 SCC, Parts 400 and 500.

35 (1) The following general regulations apply to new agricultural activities in shorelines:

36 (a) New agricultural activities shall utilize best management practices to ensure
37 protection of shoreline ecological functions, retard surface runoff and reduce siltation.

38 (b) Manure lagoons and associated permanent transmission systems shall comply
39 with the following:

1 (i) Manure lagoons shall be designed, constructed and operated to county,
2 Department of Ecology, Natural Resource Conservation Service and U.S. Environmental
3 Protection Agency standards;
4 (ii) Manure lagoons may not be built within a wetland unless all of the following
5 conditions apply:
6 (A) The wetland had been converted to agricultural use prior to June 9, 1993;
7 (B) No other location is available that is not a wetland; and
8 (C) Full mitigation is provided to replace the functions of the wetland.
9 (iii) Unless the conditions in SCC 30.67.505(b)(i) and (ii) apply, the toe of the
10 dike of a manure lagoon shall be set back from the water bodies used for recreation as much
11 as possible, and at a minimum shall maintain a 30-foot setback from any water body, river,
12 creek or wetland;
13 (iv) Manure lagoons shall comply with all other county regulations including but
14 not limited to grading and flood hazard provisions in Title 30 SCC;
15 (v) Elevation of the top of the dike of manure lagoons shall be determined
16 according to standards established by the Natural Resource Conservation Service and the
17 Department of Ecology. When located within the floodplain, the top of the manure lagoon
18 dike shall be elevated one foot above the 100- year flood level, or as close to such height as
19 feasible and consistent with Natural Resource conservation Service and Department of
20 Ecology design standards;
21 (vi) Manure lagoons of earthen construction shall be mulched or seeded with
22 grass on all exterior faces, and vegetation shall be maintained to prevent erosion or slippage;
23 (vii) If environmental review has shown that there are unmitigated adverse
24 impacts related to ground or surface water contamination, habitat, wildlife, recreational uses,
25 public access, or aesthetics, then setbacks greater than the minimum and/or additional
26 mitigation may be required; and
27 (viii) Permanent pipelines for transmission of manure shall be properly supported
28 and utilize a single piece of pipe or double piping when crossing waterbodies.
29 (c) Livestock flood sanctuaries shall comply with the following:
30 (i) A permit to build livestock flood sanctuary mounds will be granted to
31 property owners only when the applicant clearly demonstrates that the denial of such
32 construction will threaten the viability of the applicant's commercial livestock operation;
33 (ii) The maximum size of the mounds shall not exceed 50 square feet per animal
34 unit (1,000 lbs) plus the area created by adding a ramp 14 feet wide along two sides to be
35 used for farm vehicle access. An additional area no greater than 25 percent of the calculated
36 area will be allowed to accommodate future herd growth;
37 (iii) Mounds shall be constructed in a manner that does not impact flood
38 elevations, impede flow, or cause significant adverse effects upstream or downstream.
39 Mounds are prohibited in floodways. In flood plains, mounds shall be oriented to the flow;
40 (iv) Mounds shall be constructed using non-compressive materials (as defined
41 in the Natural Resource Conservation Service standards for such mounds) that are obtained
42 from approved borrow sites;
43 (v) Site preparation and mound construction and maintenance practices shall be
44 conducted according to the recommendations of the Natural Resource Conservation Service
45 or best management practices approved by Snohomish County; and

(vi) Mounds shall comply with all other county regulations, including but not limited to, grading and flood hazard provisions in Title 30 SCC.

(2) In addition to the general regulations contained in SCC 30.67.505(1), the following specific shoreline environment designation regulations for new agricultural activities in shoreline jurisdiction apply:

(a) Urban:

(i) Agricultural activities and livestock flood sanctuaries are permitted; and

(ii) Manure lagoons are conditionally permitted.

(b) Urban Conservancy:

(i) Agricultural activities are permitted; and

(ii) Manure lagoons and livestock flood sanctuaries are conditionally permitted.

(c) Rural Conservancy: Agricultural activities, manure lagoons and livestock flood sanctuaries are permitted.

(d) Resource: Agricultural activities, manure lagoons and livestock flood sanctuaries are permitted in the Resource environment.

(e) Municipal Watershed Utility: Agricultural activities, manure lagoons and livestock flood sanctuaries are prohibited.

(f) Natural:

(i) Agricultural activities are conditionally permitted provided that only passive agricultural uses such as pasture or grazing shall be allowed and provided further that no clearing, construction or other operations which have an adverse impact on ecological functions occurs; and

(ii) Manure lagoons and livestock flood sanctuaries are prohibited.

(g) Aquatic:

(i) Water-dependent, over-water or in-water uses or modifications related to agricultural activities are conditionally permitted;

(ii) Manure lagoons and livestock flood sanctuaries are prohibited; and

(iii) Bank stabilization or flood protection measures are conditionally permitted in the Aquatic environment to protect primary structures or designated farmland, provided that the need for such protection is documented in a geotechnical report. Non-structural methods are preferred but structural methods may be allowed provided that the geotechnical report indicates that structural methods are necessary. Such shoreline modifications must comply with the requirements of SCC 30.67.540 and 30.67.575.

30.67.510 Aquaculture.

Aquaculture is defined in SCC 30.91A.255.

(1) The following general regulations apply to new aquaculture activities in shorelines:

(a) New aquaculture operations shall not be located in nearshore critical saltwater habitats or within accretion areas such as sandflats, mudflats, and pocket estuaries;

(b) Aquaculture operations must be designed to avoid loss of shoreline ecological functions and avoid impeding navigation;

(c) Over-water structures for aquaculture operations shall not extend beyond the mean low water mark a distance greater than the average length beyond the ordinary low water mark of all preexisting over-water structures within the 300 feet in either direction

1 along the same shoreline. Where no preexisting structures exist within this range, over-water
2 structures may extend beyond the mean low water mark the minimum distance necessary to
3 accommodate the aquaculture activity provided that navigation is not impeded;

4 (d) No aquatic organism shall be introduced into Snohomish County without the
5 prior written approval of the Director of the Washington State Department of Fish and
6 Wildlife or the appropriate regulatory agency for the specific organism;

7 (e) Permitted accessory structures typically associated with aquaculture may include:
8 rafts, floats, nets, net pens, access docks, piers, pilings, boat launches and upland storage
9 structures. Jetties, groins, bulkheads, fill, shoreline stabilization measures, and breakwaters
10 are not allowed in conjunction with aquaculture;

11 (f) Aquacultural processing shall be governed by the regulations in SCC 30.67.550.
12 Commercial sales of aquacultural products shall be governed by the regulations in SCC
13 30.67.525;

14 (g) Floating, submerged and intertidal aquacultural structures and other similar
15 structures shall be located and designed to avoid impacts to public use of and access to the
16 water, including navigational access to waterfront property, pedestrian circulation along
17 beaches, and navigation between such structures. Approval of such structures may include
18 the following conditions to protect the public use and access to the water:

19 (i) Clustering or spacing of rafts to allow for small boat traffic within or through
20 the facilities;

21 (ii) Directional signage;

22 (iii) Buoys marking the extent of the operation; and

23 (iv) Limits on the type, number, location and size of the facility and any accessory
24 structures;

25 (h) When a federal, state or local permit is required for aquaculture activities, the
26 department shall attach permit conditions requiring that aquaculture operators periodically
27 monitor and report on noise, odor, water quality, aquatic and benthic organism types and
28 densities, current patterns and flows, flushing rates, prevailing storm wind conditions,
29 impacts to wetlands and fish and wildlife habitats and other relevant environmental
30 conditions to the department on a schedule specified by the authority approving the shoreline
31 permit relating to the aquacultural activity. The permit may be revoked by the approving
32 authority for failure to monitor or if monitoring reveals unanticipated impacts that cannot be
33 mitigated;

34 (i) Structures, equipment, wastes and material other than boats shall not be stored,
35 disposed of or abandoned within shoreline jurisdiction;

36 (j) Construction materials that come in direct contact with the water shall not be
37 treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic
38 alternatives shall be used unless the project proponent demonstrates and Snohomish County
39 determines that there is no feasible alternative to toxic construction materials that will
40 provide the structural characteristics necessary for the project; and

41 (k) Finish treatments, including but not limited to paint, stain, waterproofer, pest
42 preventatives and preservatives used on over-water structures or on structures within 25 feet
43 of the ordinary high water mark shall not result in adverse impacts to water quality.

(2) In addition to the general regulations contained in SCC 30.67.510(1), the following shoreline environment designation-specific regulations for new aquaculture activities in shorelines apply:

(a) Urban: Aquaculture facilities, harvest activities and processing of aquacultural products are permitted.

(b) Urban Conservancy:

(i) Harvest activities are permitted; and

(ii) Aquaculture facilities and processing of aquacultural products are prohibited.

(c) Rural Conservancy:

(i) Harvest activities are permitted in the Rural Conservancy environment; and

(ii) Aquaculture facilities and processing of aquacultural products are conditionally permitted in the Rural Conservancy environment.

(d) Resource:

(i) Harvest activities and processing of aquacultural products are permitted; and

(ii) Aquaculture facilities are conditionally permitted.

(e) Municipal Watershed Utility: Activities and facilities related to aquaculture are prohibited.

(f) Natural.

(i) Harvest activities are conditionally permitted; and

(ii) Aquaculture facilities and processing of aquacultural products are prohibited.

(g) Aquatic.

(i) Harvest activities are permitted;

(ii) Aquaculture facilities are conditionally permitted; and

(iii) No processing of any aquacultural product, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms, shall be permitted water-ward of the ordinary high water mark unless fully contained within a tending boat or barge.

30.67.515 Boating facilities.

Boating facilities include marinas, yacht and boat clubs, boat launch facilities, boat ramps, boathouses, docks, piers, floats and mooring buoys.

(1) The following general regulations apply to new boating facilities in shorelines:

(a) No boating facilities shall extend into a water body in such a manner as to impede navigation or create any navigation hazard.

(b) Boating facilities shall not be located on or over critical saltwater habitats or spawning areas for anadromous fish.

(c) Boating facilities, except for mooring buoys, shall not be located on or over nearshore accretion areas, such as sandflats, mudflats and pocket estuaries.

(d) Structures, equipment, wastes and materials shall not be stored, disposed of or abandoned within the shoreline jurisdiction. Boats may be stored within the shoreline jurisdiction.

(e) Construction materials that come in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic

alternatives shall be used unless the project proponent demonstrates and the department determines that there is no feasible alternative to toxic construction materials that will provide the structural characteristics necessary for the project.

(f) Finish treatments, including but not limited to paint, stain, water-proofer, pest preventatives and preservatives used on overwater structures or on structures within 25 feet of the ordinary high water mark shall not result in adverse impacts to water quality.

(g) Construction shall be limited to times that will have the least disturbance on spawning, migration and rearing of salmonids and other critical species.

(h) Marinas.

(i) Marinas shall not be located on or over critical saltwater habitats or in nearshore sediment accretion areas, such as mudflats, sandflats and pocket estuaries;

(ii) Marina berths must be designed so that they can rise and fall safely with flood waters and tidal fluctuation and have a minimum clearance of six feet below mean lower low water;

(iii) Marinas are not allowed in areas that would detrimentally alter littoral drift patterns. An evaluation of littoral drift patterns within the drift cell in which the marina is proposed is required during the siting process;

(iv) Marinas must be designed and constructed to incorporate uninhibited tidal bypass so as to minimize the need for maintenance dredging;

(v) Marinas shall be designed and constructed to allow adequate flushing and water circulation within the facility to avoid degrading water quality;

(vi) Marinas shall not be located within ½-mile of any outfall of primary treated domestic sewage or industrial waste;

(vii) Prior to siting an in-water marina, an analysis must be conducted to determine the feasibility of an upland boat storage facility on the project site as a preferred alternative; and

(viii) New marinas shall provide for public access consistent with SCC 30.67.330.

(i) Boat launch facilities – general.

(i) Pedestrian access to the water that is separate from the boat launching lane(s) may be required where it is determined to be necessary for public safety;

(ii) Safety buoys shall be installed and maintained separating boating activities from other water recreation and uses where reasonably required for public safety;

(iii) Public boat launch facilities shall include a level vehicle-maneuvering space measuring at least 500 square feet;

(iv) Public boat launch facilities shall include 32 to 40 parking spaces capable of accommodating a vehicle with an attached boat trailer for each ramp lane of boat access to the water; and

(v) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which they are located.

(j) Boat ramps.

(i) Boat ramps shall be located on stable, non-erosional banks, where stabilization structures will not be necessary;

(ii) Boat ramps shall be placed and maintained as near to flush with the foreshore slope as is possible to minimize interruption of geohydraulic processes;

(iii) Boat ramps may be allowed for individual residences when the following conditions are met:

(A) The applicant shows that the boat ramp and its use will not adversely impact shoreline ecological functions or damage critical saltwater habitat;

(B) The upland slope within 25 feet of the ordinary high water mark does not exceed 25 percent; and

(C) Substantial cutting, grading, filling or shoreline stabilization measures are not necessary; and

(iv) When reviewing mitigation measures proposed by applicants to minimize potential impacts on shoreline ecological functions from boat ramps, the county will consider the following:

(A) Availability and adequacy of existing community or public facilities providing boat access to the same shoreline water body;

(B) Shared use facilities are preferred; and

(C) Preferred boat ramp designs are in the following order of priority:

(I) Elevated railways that have minimal disturbance to beach substrate;

(II) Open grid designs that have minimal disturbance to beach substrate;

(III) Seasonal ramps that can be removed and stored upland; and

(IV) Solid structures that interlock with one another leaving spaces for natural beach substrate that can adapt to changes in beach profiles.

(k) Docks, piers and floats.

(i) Docks, piers and floats shall not deflect river currents or wave energy resulting in the undercutting of banks, erosion, or damage to adjacent or downstream properties or critical saltwater habitat;

(ii) Where feasible, moorage buoys shall be required instead of piers, docks or floats on all tidal water, except for port, industrial and commercial developments in the Urban shoreline environment designation;

(iii) Docks, piers and floats associated with water-dependent commercial or industrial uses shall be the minimum size and length necessary to accommodate the proposed use;

(iv) Commercial and industrial docks upon which toxic or flammable materials are handled or stored shall make adequate provisions to minimize the possibility of an accidental spill and prepare an effective spill response plan;

(v) Joint use docks and piers shall be required for commercial and industrial enterprises in close proximity to each other, unless the applicant can demonstrate that the possibility of a multiple owner or multiple use facility is not feasible;

(vi) When moorage facilities are proposed in conjunction with new subdivisions, motels or multi-family residences, a single, joint use moorage facility shall be required.

(vii) When reviewing permit applications for new docks, piers and floats associated with single family residences, the county will consider the following:

(A) Availability and adequacy of existing community or public facilities providing access to the same shoreline water body; and

(B) The feasibility of multiple owner or multiple user facilities. Shared use facilities are preferred whenever possible.

(viii) Unless shared by adjacent property owners, covered private docks and

1 boathouses shall be at least three feet from any side lot line or extension thereof. No setback
2 from adjacent properties is required for uncovered private docks and boathouses or for
3 private docks and boathouses shared by adjacent property owners.

4 (ix) Docks, piers and floats shall be located and designed as follows:

5 (A) Floats and floating docks shall include stops which will serve to elevate
6 the floats above the tidelands at low tide. Floats shall be secured with anchored cables in
7 place of pilings, where feasible;

8 (B) Docks, piers and floats are not allowed in or over critical saltwater
9 habitat;

10 (C) Shortening, lengthening, narrowing, or reducing the area of a dock, pier
11 or float shall be required as necessary to ensure that:

12 (I) The structure does not extend over-water in such a manner as to
13 impede navigation or create a navigation hazard; and

14 (II) The structure avoids disturbing or shading significant freshwater
15 aquatic vegetation communities or critical saltwater habitat;

16 (D) Increase or decrease of the height of the dock, pier or float may be
17 required to allow for the penetration of light to reduce impacts to habitat related to shading;

18 (E) Pier and dock requirements for marine shorelines.

19 (I) Piers and docks located on marine shorelines shall be the minimum
20 size required to provide for moorage. Single family piers or docks shall not exceed 90 feet in
21 length measured perpendicularly from the OHWM. Shared moorage may extend up to 110
22 feet in length if demonstrated to be necessary to provide adequate moorage. Docks that
23 cannot meet this standard may request a review under the variance provisions of chapter
24 30.44 SCC;

25 (II) The maximum width of each pier or dock shall be six feet; and

26 (III) The maximum width of walkway ramps shall be four feet and
27 shall be fully grated;

28 (F) Pier and dock requirements for lake shorelines.

29 (I) The maximum waterward intrusion of any portion of any pier or
30 dock shall not extend further waterward than the average intrusion of the piers or docks on
31 lots abutting the location of the new dock as measured perpendicularly from the OHWM
32 unless an alternative dimension is required to prevent impacts to critical habitat or
33 navigation. In no circumstances shall the maximum waterward intrusion of any portion of
34 the pier or dock extend more than 80 feet from the OHWM, or the point where the water
35 depth is eight feet below the elevation of the OHWM, whichever is reached first; and

36 (II) The maximum width of each pier or dock shall be six feet, or up
37 to eight feet wide on joint use docks;

38 (G) Pier and dock requirements for river shorelines.

39 (I) Pier and dock dimensions shall be the minimum necessary to
40 accommodate the proposed use;

41 (II) Piers and docks shall not impede navigation, water flow, or
42 transport of sediment and debris and shall not result in acceleration of erosion on adjacent or
43 opposite banks; and

44 (III) Construction timing shall not coincide with migration or
45 spawning of anadromous fish;

1 (H) Float requirements.

2 (I) One float per single-family residence and no more than one

3 common use float for each new multifamily development, short subdivision or subdivision is

4 permitted;

5 (II) No portion of a float shall be placed more than 45 feet waterward

6 of the OHWM on lake shorelines;

7 (III) Retrieval lines shall not float at or near the surface of the water;

8 and

9 (IV) No float shall have more than 100 square feet of surface area;

10

11 (I) Construction materials for docks, piers or floats shall meet the following

12 requirements:

13 (I) The decking of all piers and docks shall be designed to allow a

14 minimum of 45 percent light passage. Floats shall be designed to allow a minimum of 30

15 percent light passage. This may be accomplished through grated decks, space between

16 decking, light prisms, or other means;

17 (II) If plastics or other non-biodegradable materials are used in float,

18 pier, or dock construction, containment features in the design of the structures are required;

19 (III) Any part of a dock, pier or float that comes in direct contact with

20 the water shall not be treated or coated with toxic materials. Untreated wood, precast

21 concrete, plastic or nontoxic alternatives shall be used unless the project proponent

22 demonstrates and the department determines that there is no feasible alternative to toxic

23 construction materials or finishes that will provide the structural characteristics necessary for

24 the project; and

25 (IV) Skirting is not permitted.

26 (I) Boathouse, private, noncommercial.

27 (i) The height of any covered, over-water structure shall not exceed 12 feet as

28 measured from the ordinary high water mark;

29 (ii) The total roof area of covered, over-water structures shall not exceed 1,000

30 square feet;

31 (iii) The entirety of the over-water structure shall have a width no greater than 33

32 percent of the width of the lot at the natural shoreline upon which it is located;

33 (iv) No over-water structure shall extend beyond the mean low water mark a

34 distance greater than the average length of any existing over-water structures within 300 feet

35 of each of the subject property's upshore and downshore boundaries. Where no such existing

36 structures exist within 300 feet, the pier length shall not exceed 50 feet;

37 (v) Structures permitted hereunder shall not be used as a dwelling, nor shall any

38 boat moored at any wharf be used as a dwelling while so moored; and

39 (vi) Unless shared by the adjacent property owner, covered boathouses shall be at

40 least three feet from the side lot line or extension thereof. No setback from adjacent

41 properties is required for structures shared by adjacent property owners.

42 (m) Mooring Buoys

43 (i) Mooring buoys shall not be located on or over critical saltwater habitats;

44 (ii) Except as prohibited in (i) above, mooring buoys may be located on or over

45 nearshore accretion areas, such as sandflats, mudflats and pocket estuaries;

1 (iii) Mooring buoys shall be located to minimize impacts on navigation; and
 2 (iv) Mooring buoys shall be reasonably visible to boaters.
 3 (2) In addition to the general regulations contained in SCC 30.67.515(1), the following
 4 shoreline environment designation-specific regulations for new boating facilities in
 5 shorelines apply as applicable:
 6 (a) Urban. Boating facilities are permitted.
 7 (b) Urban Conservancy.
 8 (i) Marinas, yacht and boat clubs, boat launch facilities other than boat ramps,
 9 public or commercial docks and boathouses, and piers are prohibited; and
 10 (ii) Boat ramps, private docks, private boathouses, floats and mooring buoys are
 11 conditionally permitted.
 12 (c) Rural Conservancy.
 13 (i) Boat launch facilities, boat ramps, boathouses, docks, piers, floats and mooring
 14 buoys are permitted ; and
 15 (ii) Marinas and yacht and boat clubs are conditionally permitted.
 16 (d) Resource.
 17 (i) Marinas and yacht and boat clubs are prohibited; and
 18 (ii) Boat launch facilities, boat ramps, boathouses, docks, piers, floats and
 19 mooring buoys are permitted.
 20 (e) Municipal Watershed Utility. All boating facilities are prohibited except boat
 21 ramps, which are permitted.
 22 (f) Natural. All boating facilities are prohibited except boat ramps which are
 23 conditionally permitted.
 24 (g) Aquatic.
 25 (i) Marinas, yacht and boat club facilities are conditionally permitted if the
 26 adjacent shoreland designation is either Urban or Rural Conservancy.
 27 (ii) Boat ramps are:
 28 (A) Permitted only when the adjacent shoreland is designated Urban, Rural
 29 Conservancy, Resource or Municipal Watershed Utility; and
 30 (B) Conditionally permitted when the adjacent shoreland designation is Urban
 31 Conservancy or Natural;
 32 (iii) Private docks and boathouses, floats and mooring buoys are:
 33 (A) Permitted only when the adjacent shoreland is designated Urban, Rural
 34 Conservancy or Resource;
 35 (B) Conditionally permitted when the adjacent shoreland designation is
 36 Urban Conservancy; and
 37 (C) Prohibited when the adjacent shoreland designation is Municipal
 38 Watershed Utility or Natural; and
 39 (iv) Public or commercial docks, piers or boathouses are conditionally permitted
 40 if the adjacent shoreland designation is Urban, Rural Conservancy or Resource.
 41 (3) Moorage on waters of the state without a lease or permission from the state
 42 Department of Natural Resources is restricted by the state and mitigation of impacts to
 43 navigation and access is required. If the county becomes aware of un-authorized moorage on
 44 waters of the state, the department will notify the state Department of Natural Resources.

1 **30.67.520 Breakwaters, jetties, groins and other in-water structures.**

2 (1) The following general regulations apply to new breakwaters, jetties, groins and other
3 in-water structures not specifically identified:

- 4 (a) In-water structures shall be designed and located to:
- 5 (i) Avoid or minimize and mitigate impacts to shoreline ecological functions,
6 especially littoral drift;
- 7 (ii) Have no adverse impacts on downdrift, downstream and adjacent properties,
8 such as beach starvation, channel migration or erosion;
- 9 (iii) Allow for fish passage and for the transport of sediment, debris and
10 floodwaters;
- 11 (iv) Be visually compatible with their surroundings;
- 12 (v) Avoid or minimize restrictions on the public use of the water surface,
13 especially navigational access; and
- 14 (vi) Not be located on or over critical saltwater habitats.

15 (b) Floating wave attenuators, floating breakwaters, open wall designs or other
16 alternatives to a solid breakwater shall be required for all in-water structures.

17 (2) In addition to the general regulations contained in SCC 30.67.520(1), the following
18 shoreline environment designation-specific regulations for new breakwaters, jetties, groins or
19 other in-water structures apply:

20 (a) For projects with the sole purpose of restoration or enhancement of shoreline
21 ecological functions, breakwaters, jetties, groins and other in-water structures are
22 conditionally permitted in the Natural and its adjacent Aquatic environments and permitted in
23 all other shoreline environments; and

24 (b) For projects not meeting the criteria in SCC 30.67.520(2)(a), the following
25 applies:

26 (i) Breakwaters, jetties, groins and other in-water structures are conditionally
27 permitted in the Urban, Rural Conservancy, Resource and their adjacent Aquatic
28 environments; and

29 (ii) Breakwaters, jetties, groins and other in-water structures are prohibited in the
30 Urban Conservancy, Municipal Watershed Utility, Natural and their adjacent Aquatic
31 environments.

32 **30.67.525 Commercial.**

33 Commercial development is defined in SCC 30.91C.132.

34 (1) The following general regulations apply to commercial development in shoreline
35 jurisdiction:

36 (a) All commercial development shall be required to provide public access consistent
37 with SCC 30.67.330.

38 (b) Non-water dependent commercial development is only permitted in the following
39 circumstances:

40 (i) The proposed development is part of a mixed use project that includes water-
41 oriented uses as the primary use of the site, and the commercial development is clearly
42 incidental or secondary to the water-oriented uses;

(ii) Navigability is severely limited at the proposed site and the use provides public access and restoration of wetlands or fish and wildlife habitat; or

(iii) The proposed commercial development is located over 200 feet from the ordinary high water mark or is physically separated from the shoreline by another property or public right-of-way.

(2) In addition to the general regulations contained in SCC 30.67.525(1), the following shoreline environment designation-specific regulations for commercial uses apply as applicable:

- (a) Urban. Commercial uses are permitted.
- (b) Urban Conservancy. Commercial uses are prohibited.
- (c) Rural Conservancy. Commercial uses are permitted in areas zoned General Commercial (GC), Rural Business (RB), Rural Industrial (RI), Rural Diversification (RD) or Rural Freeway Service (RFS).
- (d) Resource. Commercial uses are permitted in areas zoned Agriculture 10-acres (A-10), Forestry (F), General Commercial (GC), Rural Business (RB), Rural Industrial (RI), Rural Diversification (RD) or Rural Freeway Service (RFS).
- (e) Municipal Watershed Utility. Commercial uses are prohibited.
- (f) Natural. Commercial uses are prohibited.
- (g) Aquatic. Only those water-dependent portions of the commercial use that require an over-water or in-stream location are conditionally permitted only when the commercial use is allowed in the adjacent shoreland environment.

30.67.530 Dredging and spoil disposal.

Dredging is defined in SCC 30.91D.445.

(1) The following general regulations apply to dredging and dredge spoil disposal within shorelines:

(a) Projects shall be sited and designed to avoid the need for new or maintenance dredging.

(b) Dredging and dredge spoil disposal are allowed only:

(i) For maintenance of existing navigation channels, provided that the dredging extent is limited to that area previously dredged or to the authorized location, depth and width;

(ii) When necessary to construct or maintain marinas, boat ramps or other boat launch facilities;

(iii) For flood protection under SCC 30.67.540;

(iv) In conjunction with ecological restoration or enhancement projects;

(v) In conjunction with mining activities allowed pursuant to SCC 30.67.560(1)(a); or

(vi) When necessary to maintain and operate public water supply, power generation, and flood control reservoirs, including, but not limited to, sediment removal at pipe inlets or outlets.

(c) The operation and location of dredging and dredge disposal sites shall meet the following criteria:

(i) Unless directly related to restoration or enhancement of shoreline ecological

1 functions, dredging shall not be allowed:

2 (A) Within critical saltwater habitats or salmonid spawning areas; or

3 (B) For the sole purpose of obtaining fill or mineral resources except as
4 allowed pursuant to 30.67.530(1)(b);

5 (ii) Dredging and dredge material disposal activities shall implement all feasible
6 mitigation measures to minimize adverse impacts to shoreline habitats;

7 (iii) Dredging projects that convert intertidal habitat to subtidal habitat in order to
8 improve navigability must include a comprehensive assessment identifying potential
9 cumulative impacts of site-specific changes to ecosystem functions;

10 (iv) Dredging shall not be allowed along net-positive drift sectors and where
11 geohydraulic processes are active and accretion shoreforms would be damaged, altered, or
12 irretrievably lost;

13 (v) Unless in conjunction with an ecological restoration project, open water
14 dredge disposal shall occur only at approved Puget Sound Dredge Disposal Analysis
15 (PSDDA) sites. Any party utilizing a PSDDA site must comply with all PSDDA
16 requirements; and

17 (vi) Cleanup and disposal of dredged material waterward of the ordinary high
18 water mark must be in accordance with a state Department of Natural Resources Dredged
19 Material Management Program.

20 (d) Dredge spoils may be utilized in ecological restoration or enhancement projects,
21 provided that they do not contain contaminants and water quality is not adversely impacted.

22 (e) All dredge spoil disposal sites, except for PSDDA sites, shall meet the following
23 requirements:

24 (i) The disposal site shall be located outside of the channel migration zone unless
25 the dredge materials will be for a permitted use within the adjacent shoreline jurisdiction;

26 (ii) Before beginning disposal operations, the dikes enclosing the disposal site
27 shall be constructed such that no spoils bearing discharge water may escape. The disposal
28 site dikes shall be kept in this condition throughout any disposal operation;

29 (iii) The settling area within the dikes must be large enough so that the outlet pipe
30 conveying return water can be periodically relocated to control the uptake of suspended
31 sediment;

32 (iv) Normal drainage patterns within the project site shall not be adversely
33 affected by the spoils disposal operation;

34 (v) Within six months of the issuance of a permit for dredging activities, trees
35 shall be planted and maintained around the perimeter of the site to act as a visual buffer;

36 (vi) Dredge spoils may be deposited and removed from the site in a manner that
37 does not disturb the perimeter dike, except at points of ingress and egress, and consistent
38 with the conditions of the approved permit; and

39 (vii) Written notice shall be given to the department at least two weeks prior to
40 the commencement of any permitted dredge spoils disposal operation.

41 (2) In addition to the general regulations contained in SCC 30.67.530(1), the following
42 shoreline environment designation-specific regulations for dredging and dredge spoil
43 disposal apply:

44 (a) Dredging and dredge spoil disposal is conditionally permitted in all shoreline
45 environments when directly related to restoration or enhancement of shoreline ecological

1 functions.

2 (b) For all dredging or dredge spoil disposal projects not related to ecological
3 enhancement or restoration projects, the following shoreline environment designation-
4 specific regulations apply:

5 (i) Dredge spoil disposal is conditionally permitted in the Urban, Rural
6 Conservancy and Resource environments;

7 (ii) Dredge spoil disposal is prohibited in the Urban Conservancy and Natural
8 environments;

9 (iii) Dredging and dredge spoil disposal are conditionally permitted in the
10 Municipal Watershed Utility environment when consistent with a project license issued by
11 the Federal Energy Regulatory Commission;

12 (iv) Dredging in the Aquatic environment is conditionally permitted when allowed
13 pursuant to SCC 30.67.530(1); and

14 (v) Dredge spoil disposal is conditionally permitted in the Aquatic environment
15 when:

16 (A) The dredge spoil disposal is conducted in conjunction with any of the
17 following project types:

18 (I) Cleanup and disposal of contaminated sediments as part of an
19 interagency environmental clean-up plan;

20 (II) Disposal of dredged material from dredging projects allowed under
21 SCC 30.67.530(1)(b) when the dredged material is considered suitable under, and conducted
22 in accordance with, the dredged material management program of the state Department of
23 Natural Resources; or

24 (III) Disposal of dredged material in conjunction with an approved
25 ecological restoration or enhancement project; or

26 (B) The dredge spoils are deposited at a Puget Sound Dredge Disposal
27 Analysis (PSDDA) site.

28 **30.67.535 Fill.**

29 (1) The following general regulations apply to fill within shorelines:

30 (a) Fill is permitted only when used as preparation for a use or modification
31 otherwise permitted by this SMP, except that fill is only allowed in the 100-year floodplain
32 for the purpose of flood-proofing a structure or as part of an ecological restoration or
33 enhancement project.

34 (b) When allowed under 30.67.535(1)(a), use of fill is subject to the following
35 conditions:

36 (i) Uses and modifications shall be located and designed to minimize the amount
37 and extent of fill necessary to accommodate the use. For example, projects should be
38 designed with pile-supported piers, rather than piers constructed with fill;

39 (ii) The perimeter of all fills shall be provided with some means to control
40 erosion. Nonstructural methods such as vegetation and soil bioengineering shall be used
41 unless infeasible;

42 (iii) The source and content of fill materials to be used shall be approved by the
43 department prior to deposition. Neither organic materials nor fill materials identified as

1 solid waste pursuant to SCC 7.25.020(32) shall be deposited waterward of the ordinary high
2 water mark;

3 (iv) Fills shall not interfere with normal public use of the waters of the state; and

4 (v) Dredge spoil disposal used as fill shall comply with SCC 30.67.530.

5 (2) In addition to the general regulations contained in SCC 30.67.535(1), the following
6 shoreline environment designation-specific regulations for fill apply:

7 (a) Fill is permitted in the Urban, Rural Conservancy, Resource and Municipal
8 Watershed Utility environments.

9 (b) Fill is permitted in the Urban Conservancy and Natural environments when in
10 conjunction with an ecological restoration or enhancement project. Otherwise, fill in the
11 Urban Conservancy and Natural environments is conditionally permitted.

12 (c) Fill is permitted in the Aquatic environment when in conjunction with an
13 ecological restoration or enhancement project. Otherwise, fill in the Aquatic environment is
14 conditionally permitted and shall be consistent with the following:

15 (i) Fill waterward of the ordinary high water mark shall not contain organic
16 materials or materials identified as solid waste pursuant to SCC 7.35.020(32). The source
17 and content of fill materials to be used waterward of the ordinary high water mark shall be
18 approved by the department prior to deposition; and

19 (ii) Fill waterward of the ordinary high water mark shall only be allowed when
20 necessary to support:

21 (A) A water- dependent use with no feasible alternative to fill;

22 (B) A transportation facility of statewide significance, an essential public
23 facility or utility, or a navigational structure with no feasible alternative to fill;

24 (C) The cleanup and disposal of contaminated sediments as part of an
25 interagency environmental cleanup plan; or

26 (D) The creation or enhancement of public access.

27 **30.67.540 Flood protection measures.**

28 (1) The following general regulations apply to flood protection measures within
29 shorelines:

30 (a) Flood protection measures are subject to chapter 30.65 SCC and shall be
31 planned, constructed and maintained in accordance with a county and state approved
32 floodplain management plan, if applicable.

33 (b) New structural flood protection measures may be allowed if:

34 (i) A geotechnical report establishes that structural flood protection measures are
35 necessary to protect existing primary structures, new or existing public utilities, roads or
36 bridges, or designated farmlands, and that non-structural measures are not feasible; or

37 (ii) Necessary to facilitate a project whose sole purpose is restoration or
38 enhancement of shoreline ecological functions.

39 (c) Except as allowed under SCC 30.67.540(1)(h) or 30.67.540(2)(d), removal of
40 sand, gravel or sediments for flood management purposes is only allowed under the
41 following conditions:

42 (i) The proposal is consistent with a current Snohomish County Flood Hazard
43 Management Plan;

1 (ii) A geotechnical or engineering analysis demonstrates that the removal will
2 result in the long-term reduction of flood hazards;

3 (iii) The activity does not result in a net loss of ecological functions or impair
4 migration, spawning or rearing of anadromous fish; and

5 (iv) If proposed waterward of the ordinary high water mark, the activity is
6 conducted in compliance with the requirements for dredging and dredge spoil disposal in
7 SCC 30.67.530.

8 (d) Flood protection measures shall not result in channelization of normal stream
9 flows, interfere with natural hydraulic processes such as channel migration, or undermine
10 existing structures or downstream stream banks.

11 (e) New flood control dikes shall be landward of any associated wetlands and their
12 buffers, and where feasible, landward of the channel migration zone.

13 (f) New flood protection structures such as dikes and levees shall provide public
14 access pursuant to SCC 30.67.330.

15 (g) Normal maintenance or repair of flood protection measures is allowed.

16 (h) Emergency flood protection measures are allowed subject to the provisions in
17 SCC 30.44.280.

18 (i) Except as otherwise allowed in SCC 30.67.540(1)(b)(ii), new structural flood
19 control measures are prohibited on estuarine shores, on point and channel bars and in salmon
20 and trout spawning areas.

21 (2) In addition to the general regulations contained in SCC 30.67.540(1), the following
22 shoreline environment designation-specific regulations for flood protection measures apply:

23 (a) Structural flood protection measures in conjunction with ecological restoration or
24 enhancement projects are permitted in all shoreline environments except the Natural
25 environment. Non-structural flood protection measures are permitted in all shoreline
26 environments in conjunction with ecological restoration or enhancement projects.

27 (b) When not in conjunction with ecological restoration or enhancement projects,
28 non-structural flood protection measures are permitted in all shoreline environments, except
29 that non-structural flood protection measures in the Aquatic environment are conditionally
30 permitted.

31 (c) When not in conjunction with ecological restoration or enhancement projects, and
32 when a geotechnical report demonstrates that flood protection measures are necessary to
33 protect existing primary structures, new or existing public utilities, roads or bridges, or
34 designated farmlands, and that non-structural solutions would be inadequate to achieve the
35 needed protection, structural flood protection measures are permitted in all shoreline
36 environments, except that structural flood protection measures are prohibited in the Natural
37 and Urban Conservancy environments and the Aquatic environment adjacent to Natural and
38 Urban Conservancy environments, and except that structural flood protection measures are
39 conditionally permitted in other Aquatic environments.

40 (d) Debris deposited by flood events within the previous 12-month period may be
41 removed from designated farmlands in the Resource environment.

1 **30.67.545 Forestry.**

2 (1) The following general regulations apply to forestry activities within shorelines:

3 (a) For timber harvest located within 200 feet landward of the ordinary high water
4 mark in shorelines of statewide significance, harvest activities shall employ selective timber
5 cutting so that no more than 30 percent of the merchantable timber may be harvested in any
6 ten-year period. Exceptions to this standard or when in those limited instances where the
7 topography, soil conditions or silviculture practices necessary for regeneration render
8 selective timber cutting ecologically detrimental, a conditional use permit shall be required.

9 (b) Forest management activities shall comply with the state's current forest practices
10 rules and regulations (Title 222 WAC) and pesticides regulations (chapter 17.21 RCW).

11 (c) Development incidental to forestry activities, such as forestry roads, must
12 comply with all local regulations and Title 222 WAC. Where there are conflicts, the
13 provision resulting in the greatest protection for shoreline ecological functions shall apply.

14 (d) The following regulations apply to log storage in shoreline jurisdiction:

15 (i) All new log storage areas shall be on paved dry land.

16 (ii) Logs stored in water where such use has been established prior to
17 [the effective date of the ordinance] shall comply with the following
18 requirements:

19 (A) Log storage shall not be located where it could interfere with small craft
20 navigation or normal public use of the waters of the state;

21 (B) Logs shall not be stored or rafted where grounding will occur;

22 (C) Free-fall dumping of logs into water is prohibited;

23 (D) Devices shall be used for placing logs in the water that will reduce bark
24 separation and generation of wood debris;

25 (E) Bark and wood debris controls, collection, and disposal methods shall be
26 used at log dumps, raft building areas and mill side-handling zones;

27 (F) Logs shall not be stored in rapidly flowing waters or other areas where
28 positive bark and debris controls would not be effective;

29 (G) Accumulations of bark and other debris on the land and docks around
30 dump sites shall be kept out of the water; and

31 (H) Where water depths permit the floating of bundled logs, they shall be
32 secured in bundles on land before being placed in the water. Bundles shall not be broken
33 again except on land or at mill sites.

34 (2) In addition to the general regulations contained in SCC 30.67.545(1), timber harvest
35 or removal is permitted in all shoreline environment designations when conducted in
36 accordance with the requirements of chapter 76.09 RCW and Title 222 WAC, provided that:

37 (a) The thresholds established in SCC 30.67.545(1)(a) are not exceeded on shorelines
38 of statewide significance, in which case the timber harvest or removal is conditionally
39 permitted; or

40 (b) In cases where the land is likely to be converted to a non-forestry use, the
41 department will place conditions on the Class IV-General forest practices permit to ensure
42 that the timber harvest or removal is consistent with the following criteria:

43 (i) The management policies contained in the SMP for the shoreline
44 environment designations where the timber harvest or removal will occur;

- (ii) The shoreline use requirements in SCC 30.67.420 and .430;
- (iii) The intended use, modification and vegetation management development standards in SCC 30.67, Part 500;
- (iv) The standard for no net loss of shoreline ecological functions in SCC 30.67.320; and
- (v) The provisions of the Shoreline Management Act and the SMP.

30.67.550 Industry and ports.

Ports are centers for water-borne traffic and industrial and manufacturing firms.

(1) The following general regulations apply to industrial development and ports within shorelines:

(a) All industrial development and ports shall provide public access pursuant to SCC 30.67.330.

(b) Non-water dependent industrial development is permitted under the following circumstances:

(i) The proposed development is part of a mixed use project that includes water-oriented uses as the primary use of the site, and the industrial development is clearly incidental or secondary to the water-oriented uses;

(ii) Navigability is severely limited at the proposed site and the use provides public access and restoration of wetlands or fish and wildlife habitat; or

(iii) The proposed industrial development is located over 200 feet from the ordinary high water mark or is physically separated from the shoreline by another property or public right-of-way.

(c) The following regulations apply to port development in shoreline jurisdiction:

(i) Proposed port developments, expansions, alterations, or any phase thereof shall be consistent with, and shall be based upon, a comprehensive harbor improvement plan adopted by the county; and

(ii) Flexibility from the requirements of this chapter may be granted where the proposed port development will result in equal or better public access and restoration or enhancement of shoreline ecological functions than would be required under this chapter.

(2) In addition to the general regulations contained in SCC 30.67.550(1), the following shoreline environment designation-specific regulations for industrial development and ports apply:

(a) Industrial development and ports are permitted in the Urban, Rural Conservancy and Resource environments.

(b) Industrial development and ports are prohibited in the Urban Conservancy, Municipal Watershed Utility and Natural environments.

(c) Industrial development and ports are conditionally permitted in the Aquatic environment when the adjacent shoreland designation is Urban, Rural Conservancy or Resource.

1 **30.67.555 Institutional.**

2 Institutional uses include those nonresidential uses that typically are found in all zones,
3 including residential zones, such as health and social service facilities, community facilities
4 for juveniles or seniors, schools, libraries, museums, government structures and facilities, and
5 churches. Uses conducted within a single-family residential structure and which are
6 secondary to the residential use of the structure such as a day care, elder care, home school or
7 foster home are not considered institutional uses for the purposes of this chapter.

8 (1) Institutional developments shall comply with the standards for commercial
9 development pursuant to SCC 30.67.525 unless conducted incidental to a residential use, in
10 which case the residential requirements contained in SCC 30.67.570 apply.

11 (2) In addition to the general regulations contained in SCC 30.67.555(1), the following
12 environment-specific regulations for institutional uses apply:

13 (a) Institutional uses are permitted in the Urban and Rural Conservancy
14 environments.

15 (b) Institutional uses are conditionally permitted in the Resource environment.

16 (c) Institutional uses are prohibited in the Urban Conservancy, Municipal Watershed
17 Utility and Natural environments.

18 (d) In the Aquatic shoreline environment designation, only those water-dependent
19 portions of the use that require an over-water or in-stream location are conditionally
20 permitted when the adjacent shoreline environment designation is Urban, Urban
21 Conservancy, Rural Conservancy or Resource. All other institutional uses are prohibited.

22 **30.67.560 Mining.**

23 Mining is the removal and primary processing of naturally occurring materials including
24 sand, gravel, rock, soil, peat or precious metals for economic use. Mining activities also
25 include in-water and in-channel dredging activities related to mineral extraction.

26 (1) The following general regulations apply to mining activities in shorelines:

27 (a) Mining activities are allowed in shoreline jurisdiction only when necessary as an
28 integral part of the following project types:

29 (i) Ecological restoration or enhancement;

30 (ii) Flood hazard management, provided that:

31 (A) The project is recommended in a Snohomish County flood hazard
32 management plan and is consistent with chapter SCC 30.65 SCC and SCC 30.67.540; and

33 (B) A geotechnical or engineering analysis demonstrates that the
34 proposed mining will result in long-term flood hazard reduction benefits;

35 (iii) To alleviate an emergency situation as defined in SCC 30.91E.100 and
36 subject to the following conditions:

37 (A) The mining activity is the minimum necessary to alleviate the
38 emergency situation;

39 (B) The permit procedures for emergency modifications or construction
40 in SCC 30.67.470 are satisfied; and

41 (C) When related to alleviation of a flood hazard emergency, the mining
42 activity meets the standards in SCC 30.44.280;

1 (iv) Mineral extraction and use for forest practices, provided that:
2 (A) The mining activity is conducted more than 200 feet from the
3 ordinary high water mark of shorelines of statewide significance; and
4 (B) the appropriate notifications, approvals or permits are obtained
5 pursuant to chapter 76.09 RCW;
6 (v) Removal of mineral resources deposited above the ordinary high water
7 mark by flood events onto designated agricultural lands under the county's comprehensive
8 plan for the purpose of maintaining or restoring land for agricultural activities; or
9 (vi) Dredging allowed pursuant to SCC 30.67.530.
10 (b) Removal of mineral resources shall comply with the following standards:
11 (i) The mining activity shall not occur in critical saltwater habitat, primary
12 association areas for critical species, or in salmonid spawning habitat except in conjunction
13 with an approved habitat restoration or enhancement project;
14 (ii) Mining activities shall not disrupt natural hydrology or sedimentation
15 processes including but not limited to littoral drift, accretion, feeder bluffs or other sediment
16 transport;
17 (iii) Mining activities shall not result in channelization of normal stream
18 flows, interfere with natural hydraulic processes such as channel migration, undermine
19 existing structures or downstream stream banks, or increase risk of stream avulsion;
20 (iv) Mining activities shall not result in a net loss of shoreline ecological
21 functions or impair migration of anadromous fish; and
22 (v) Mining activities waterward of the ordinary high water mark of a river,
23 including bars and islands, shall not be permitted unless:
24 (A) Removal of specified quantities of sand and gravel or other
25 materials at specific locations will not adversely affect the natural processes of gravel
26 transportation for the river system as a whole;
27 (B) The mining and any associated permitted activities will not have
28 significant adverse impacts on habitat for critical species or cause a net loss of ecological
29 functions of the shoreline;
30 (C) The determinations made pursuant to SCC 30.67.560(1)(b)(v)(A)
31 and (B) shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a). Such
32 evaluation of impacts should be appropriately integrated with relevant critical area and
33 environmental review requirements pursuant to chapters 30.61, 30.62A and 30.62B SCC; and
34 (D) In considering renewal, extension or reauthorization of gravel bar
35 and other in-channel mining operations in locations where they have previously been
36 conducted, the department shall require compliance with the SMP and chapter 30.31D SCC.
37 (c) Permit requirements for mining should be coordinated with the requirements of
38 chapter 78.44 RCW and chapters 30.31D and 30.44 SCC.
39 (d) Mining activities which meet the definition of "dredging" in SCC 30.91D.445
40 shall comply with SCC 30.67.530.
41 (e) Mining within any channel migration zone that is within shoreline jurisdiction
42 shall require a shoreline conditional use permit.
43 (f) Proposed subsequent use of mined property shall be consistent with the provisions
44 of the shoreline environment designation in which the property is located and reclamation of

1 disturbed shoreline areas shall restore all shoreline ecological functions adversely impacted
2 by the mining activities.

3 (2) In addition to the general regulations contained in SCC 30.67.560(1), the following
4 shoreline environment designation-specific regulations for mining apply:

5 (a) Mining activities allowed pursuant to SCC 30.67.560(1)(a) are conditionally
6 permitted in all shoreline environments, except that mining activities related to forest
7 practices as described in SCC 30.67.560(1)(a)(iv) are permitted in the Resource and
8 Municipal Watershed Utility environments unless subject to a conditional use permit
9 pursuant to SCC 30.67.560(1)(e).

10 (b) Except when allowed pursuant to SCC 30.67.560(1)(a), mining activities for the
11 sole purpose of obtaining fill or commercial sale or processing of mineral resources are
12 prohibited in all shoreline environments.

13 (c) Non-conforming mining activities are subject to the requirements in SCC
14 30.44.125.

15 **30.67.565 Recreation.**

16 Recreation uses are those uses that provide facilities for athletic activities, hobbies or other
17 entertainment that provides relaxation or enjoyment of leisure time as a primary use.
18 Recreation uses include both publicly and privately owned shoreline facilities intended for
19 use by the public or a private club, group, association or individual. Commercial uses that
20 are incidental to a recreation use such as concession stands or boat rental shall be considered
21 part of the recreation use.

22 (1) The following general regulations apply to recreation in shorelines:

23 (a) Commercial recreational development shall comply with the requirements for
24 commercial uses in SCC 30.67.525, in addition to the requirement of this section.

25 (b) Recreation facilities shall be designed to take maximum advantage of and
26 enhance the natural character of the shoreline area.

27 (c) Motor vehicle use, including two- and three-wheeled vehicles, shall not be
28 permitted on beaches, dunes, or wetlands and fish and wildlife habitat conservation areas
29 except as necessary for official maintenance or the preservation of public health and safety.

30 (d) Non-water dependent uses are only allowed in the following circumstances:

31 (i) The proposed use is part of a mixed use project that includes water-dependent
32 uses as the primary use of the site, and the non-water dependent uses are incidental or
33 secondary to the water-dependent uses;

34 (ii) Navigability is severely limited at the proposed site and the use provides
35 public access and restoration of wetlands or fish and wildlife habitat; or

36 (iii) The proposed site is physically separated from the shoreline by another
37 property or public right-of-way.

38 (2) In addition to the general regulations contained in SCC 30.67.565(1), the following
39 shoreline environment designation-specific regulations for recreation apply:

40 (a) Recreation uses are permitted in the Urban, Urban Conservancy and Rural
41 Conservancy environments;

42 (b) Recreation uses are permitted in the Resource environment, except that golf
43 courses, playing fields and other large areas devoted to athletic activities are prohibited

1 within the Resource environment, except on lands designated "Recreational Lands" by the
2 county's comprehensive plan;

3 (c) Recreation uses are permitted in the Municipal Watershed Utility environment
4 subject to provisions in the project license from the Federal Energy Regulatory Commission;

5 (d) Recreation uses are permitted in the Urban Conservancy, Natural, and Aquatic
6 environments subject to the following conditions:

7 (i) Recreation uses are limited to passive or low-intensity recreation uses, such
8 as trails and areas for public access to the water, hiking and walking, viewing platforms,
9 picnic areas and hunting and fishing areas when such uses require minimal alteration to the
10 shoreline, little clearing or grading and few shoreline modifications to conduct the activity;

11 (ii) Pedestrian and limited access bridges are allowed when necessary to facilitate
12 public access;

13 (iii) Floating walkways or other similar over-water pedestrian structures
14 facilitating access to observation points or viewing areas shall be permitted, provided they
15 are constructed to minimize alteration of natural conditions and protect water quality; and

16 (iv) For artificial marine life habitats typically constructed for recreational
17 diving:

18 (A) Habitats shall not interfere with surface navigation;

19 (B) Habitats shall be constructed of long-lasting non-polluting materials and
20 anchored so as to remain in their original location even under adverse current or wave action;
21 and

22 (C) Habitats may not be installed on publicly-owned submerged land without
23 permission of the administering governmental agency.

24 **30.67.570 Residential.**

25 Residential use includes single and multifamily dwellings and uses and other structures that
26 are typically appurtenant or incidental to a residence. Residential uses also include those
27 limited commercial and institutional uses that occur within or are incidental to a residence,
28 such as bed and breakfast inns, guest houses, home occupations, family daycare, foster
29 homes, retirement apartments, retirement housing and boarding houses.

30 (1) The following general regulations apply to residential uses in shorelines:

31 (a) Clustered development, with the open space area preserving and providing
32 access to the water, is required for subdivisions or short subdivisions, except that alternative
33 site designs may be considered by the department provided that the applicant demonstrates
34 that the alternative site design will provide equivalent or better protection for shoreline
35 ecological functions.

36 (b) Residential subdivisions, short subdivisions, or residential structures shall not be
37 approved when structural flood protection or shoreline stabilization measures will be
38 necessary to protect lots or subsequent development on the lots.

39 (c) All utility lines shall be located underground.

40 (d) Accessory structures that are not appurtenances must be proportional in size and
41 purpose to the primary structure, and compatible with onsite and adjacent structures, uses and
42 natural features.

43 (e) All residential subdivisions, short subdivisions, single family detached units,

1 duplexes, townhouses or condominiums creating more than four parcels or dwelling units,
2 and multi-family developments of more than four lots or dwelling units, shall be required to
3 provide public access under SCC 30.67.330.

4 (f) Beach or water access using new stairways and trams is allowed, provided the
5 applicant demonstrates that:

6 (i) Existing shared, public or community facilities are not adequate or available
7 for use;

8 (ii) The possibility of a multiple-owner or multiple-user facility has been
9 thoroughly investigated and is not feasible; and

10 (iii) The stairway or tram is designed and located such that:

11 (A) Subsequent shoreline modification, including the installation of shoreline
12 stabilization, solely for the purpose of protecting the structure, is not necessary;

13 (B) Removal or modification of existing shoreline vegetation is the minimum
14 necessary to construct the structure, and will be replaced with appropriate native species
15 within the next growing season; and

16 (C) No fill or other modification water-ward of the ordinary high water mark
17 is necessary to construct or use the structure.

18 (g) Residential subdivisions and short subdivisions lying fully or partially within
19 shoreline jurisdiction shall be limited to a maximum of ten percent total effective impervious
20 surface area within the subdivision boundary.

21 (2) In addition to the general regulations contained in SCC 30.67.570(1), the following
22 shoreline environment designation-specific regulations for residential uses apply:

23 (a) The following residential uses and appurtenant structures are permitted in the
24 Urban environment: single family residential, mobile and manufactured homes, duplex,
25 multifamily, townhouse, and mobile home parks.

26 (b) Urban Conservancy.

27 (i) The following residential uses are permitted: single family residential, mobile
28 and manufactured homes;

29 (ii) Duplex and mobile home parks are conditionally permitted.

30 (c) Rural Conservancy.

31 (i) The following residential uses are permitted: single family residential, mobile
32 and manufactured homes, and duplex;

33 (ii) Mobile home parks are conditionally permitted; and

34 (iii) Multifamily and townhouses are prohibited.

35 (d) Resource.

36 (i) The following residential uses are: single family residential, mobile and
37 manufactured homes, and duplex;

38 (ii) Mobile home parks are conditionally permitted; and

39 (iii) Multifamily and townhouse are prohibited.

40 (e) All residential uses are prohibited in the Municipal Watershed Utility
41 environment.

42 (f) Natural.

43 (i) The following residential uses are conditionally permitted: single family
44 residential, mobile and manufactured homes;

45 (ii) All other residential uses; and

(iii) Alteration of the natural topographic features or flora of the site shall be restricted to that necessary for the placement of the residence and appurtenances. Additional grading or clearing, as for lawns, is prohibited.

(g) New over-water residences and floating homes are prohibited in the Aquatic environment. Houseboats used as a residence and live-aboard vessels may be permitted within marinas or in waters of the state subject to a lease or permission from the state Department of Natural Resources.

30.67.575 Shoreline and bank stabilization.

Shoreline stabilization measures are used to reduce sedimentation and erosion.

(1) The following general regulations apply to shoreline and bank stabilization within shorelines:

(a) Normal maintenance or repair of existing shoreline stabilization structures is allowed.

(b) New, enlarged or replacement structural shoreline stabilization measures may only be used:

(i) To protect:

(A) Existing primary structures, utilities, roads and bridges;

(B) New utilities or public bridges and transportation structures allowed pursuant to 30.62B.330(3);

(C) Designated farmland on the county's comprehensive plan; and

(D) Projects where the sole purpose is to protect or restore shoreline ecological functions; and

(ii) When a geotechnical analysis conducted by a qualified engineer or geologist with experience evaluating and constructing nonstructural stabilization techniques demonstrates that:

(A) Nonstructural shoreline stabilization solutions are not feasible;

(B) Structural stabilization is necessary to provide protection from erosion caused by natural processes such as tidal action, currents, waves or channel migration and that the erosion is not caused by upland conditions, such as loss of vegetation and drainage; and

(C) The erosion rate exceeds that which would normally occur in a natural condition and that the structural stabilization measure would not interfere with hydrological and geomorphologic processes normally acting under a natural condition.

(c) Shoreline stabilization structures shall:

(i) Comply with the guidelines in the *Integrated Streambank Protection Guidelines* (Washington State Department of Fish and Wildlife, April 2003), or the alternative bank protection methods in *Alternative Bank Protection Methods for Puget Sound Shorelines* (Washington State Department of Ecology, May 2000, Publication #00-06-012);

(ii) Not alter natural hydraulic or sediment transport processes to the extent that downstream, downdrift or adjacent properties are damaged; and

(iii) Not cause a net loss of shoreline ecological functions. Mitigation is required for any adverse impacts to shoreline ecological functions including, but not limited to shoreline hydraulic processes such as littoral drift and channel migration, recruitment of

1 beach materials from feeder bluffs and sediment transport.

2 (d) Construction of stabilization measures shall meet the following criteria:

3 (i) The size and quantity of material constituting the shoreline stabilization
4 structure shall be the minimum necessary;

5 (ii) Beach materials shall not be used to backfill bulkheads, seawalls and other
6 shoreline stabilization structures;

7 (iii) Construction materials shall not contain, or be treated or coated with toxic
8 materials;

9 (iv) Shoreline stabilization structures shall not be used for the indirect purpose of
10 creating land. When fill is required behind an already existing structure, it shall not extend
11 water-ward of the ordinary high water mark unless otherwise permitted by this chapter;

12 (v) Structures shall be located landward of the ordinary high water mark,
13 landward of the storm berm, and generally parallel to the natural shoreline except:

14 (A) On bluff or bank shorelines where no other armoring structures are
15 adjacent, such structures shall be as close to the toe of the bank as possible;

16 (B) Where there are stabilization structures on adjacent properties, the
17 proposed structure shall be tied in flush, except where adjoining structures extend water-ward
18 of the ordinary high water mark;

19 (C) Replacement walls or bulkheads shall not encroach water-ward of
20 the ordinary high water mark or water-ward of the existing structure unless the residence was
21 occupied prior to January 1, 1992 [per RCW 90.58.100(6)]. In such cases, the replacement
22 structure shall abut the existing shoreline stabilization structure and any adversely impacted
23 shoreline ecological functions shall be mitigated. If critical saltwater habitats or shoreline
24 ecological functions would be adversely impacted by leaving the existing structure, the
25 structure shall be removed as part of the replacement measure; and

26 (D) Nonstructural shoreline stabilization measures that provide
27 restoration of shoreline ecological functions may be allowed water-ward of the ordinary high
28 water mark; and

29 (vi) Publicly financed or subsidized structures shall include provisions for public
30 access as required under SCC 30.67.330.

31 (2) In addition to the general regulations in SCC 30.67.575(1), the following shoreline
32 environment designation-specific regulations for shoreline and bank stabilization apply:

33 (a) Non-structural shoreline and bank stabilization measures are permitted in all
34 shoreline environments except that non-structural flood protection measures in the Natural
35 and Aquatic environments are conditionally permitted; and

36 (b) Structural shoreline and bank stabilization measures are permitted in all shoreline
37 environments except Natural and adjacent Aquatic environments to protect ecological
38 enhancement or restoration projects when non-structural protection measures are not feasible.
39 When not in conjunction with an ecological enhancement or restoration project, structural
40 shoreline and bank stabilization is conditionally permitted in all shoreline environments
41 except Natural and Urban Conservancy environments and Aquatic environments adjacent to
42 Natural and Urban Conservancy environments.

1 **30.67.580 Shoreline habitat restoration and enhancement.**

2 The purpose of shoreline habitat restoration and enhancement projects is to improve
3 ecological functions and processes necessary to maintain shoreline natural resources, protect
4 public health and safety, and preserve beneficial uses of the shoreline.

5 (1) The following general regulations apply to shoreline habitat restoration and
6 enhancement projects within shorelines:

7 (a) Shoreline habitat restoration or enhancement projects shall:

8 (i) Restore, enhance or create fish and wildlife habitat; or

9 (ii) Implement a recommended project from the shoreline restoration element.

10 (b) Shoreline habitat restoration or enhancement projects shall not adversely impact
11 river currents, sediment processes, littoral drift, wetland or fish and wildlife habitat
12 conservation areas.

13 (c) Beach enhancement shall be prohibited within spawning, nesting or breeding
14 habitat or where littoral drift of the enhancement materials adversely affects adjacent
15 spawning grounds or other fish and wildlife habitat conservation areas.

16 (d) Beach and stream enhancement shall not:

17 (i) Extend water-ward more than the minimum amount necessary to achieve the
18 desired stabilization;

19 (ii) Result in steep contours that impede easy pedestrian passage or trap drifting
20 sediments;

21 (iii) Be used solely to create new land area;

22 (iv) Disturb riparian vegetation or shallow water fish and wildlife habitat, unless
23 such habitat is replaced within the earliest appropriate season by new habitat or native
24 vegetation consistent with SCC 30.67.580(1)(h);

25 (v) Result in a beach differing in character from natural conditions historically
26 found on the site or vicinity; or

27 (vi) Interfere with the normal public use of the navigable waters of the state.

28 (e) Lake and marine beach restoration or enhancement shall be consistent with the
29 following:

30 (i) New materials added to a beach shall be of a size and composition as similar
31 as possible to the existing natural materials, but large enough to withstand normal current,
32 wake or wave action at the site;

33 (ii) The restored beach shall approximate the natural lake or marine shoreline
34 width, height, bulk, profile, and vegetation community and structure;

35 (iii) Only short-term mechanical assistance may be used to accomplish planting;

36 (iv) Plantings must be maintained to achieve at least an 80 percent survival rate
37 after two years of placement; and

38 (v) Gravel berms, drift sills and beach nourishment must be used when
39 appropriate for the site.

40 (f) Stream restoration or enhancement shall be consistent with the following:

41 (i) Large woody debris placement, engineered log jams, bioengineering
42 techniques, fish screens, self-regulating tide gates, removal of artificial structures and fish
43 barriers, fishways, and stream channel improvements shall be included where appropriate;

44 (ii) Only short-term mechanical assistance may be used to accomplish planting;

(iii) Plantings must be maintained to achieve at least an 80 percent survival rate after two years of placement;

(iv) Size and composition of new materials added to a stream shall be as similar as possible to the existing natural materials, but large enough to withstand normal current, wake or wave action at the site; and

(v) Restoration or enhancement of the natural stream channel characteristics of length, width, gradient and sinuosity shall be included where appropriate.

(g) Stream restoration or enhancement shall not:

(i) Create barriers for juvenile or adult migrating fish;

(ii) Remove large woody material embedded in a bank or bed except in those unique circumstances where removal is necessary to successfully achieve implementation of the restoration or enhancement project;

(iii) Alter the natural stream more than the minimum amount necessary to achieve the desired restoration or enhancement;

(iv) Disturb riparian vegetation or fish and wildlife habitat unless such habitat is replaced within the earliest appropriate season by new habitat or riparian vegetation consistent with SCC 30.67.580(1)(h); or

(v) Create a hazard to navigation, public infrastructure, or primary structures.

(h) Restoration or enhancement of riparian vegetation shall:

(i) Replace disturbed vegetation with comparable plant species and diversity; or

(ii) Improve riparian ecological functions by increasing plant diversity and including plant species offering higher habitat values, better bank stabilization, improved water quality functions or nutrient exchange.

(2) Shoreline habitat restoration and enhancement is permitted in all shoreline environments. Shoreline modifications that are an integral and necessary component of shoreline habitat restoration and enhancement projects are allowed in all shoreline environment designations subject to the appropriate modification-specific shoreline regulations.

30.67.585 Signs.

Signs are regulated pursuant to chapter 30.27 SCC and the provisions of this chapter. Where conflicts may exist, the provisions of this chapter shall apply:

(1) Billboards are prohibited in all shoreline environment designations.

(2) Animated signs are prohibited in all shoreline environment designations.

(3) Only signs identifying public facilities are allowed in the Urban Conservancy, Aquatic, Municipal Watershed Utility, and Natural shoreline environment designations.

(4) Freestanding signs shall only be allowed when an applicant demonstrates to the department that a building sign is not feasible. When a building sign is not feasible, a freestanding sign may be allowed when there is no significant degradation of a vista or viewpoint or impairment of the visual access to the water body from such vistas or viewpoints.

1 **30.67.590 Transportation, circulation and parking.**

2 (1) The following general regulations apply to facilities and structures for transportation,
3 circulation and parking within shorelines:

4 (a) New transportation facilities may be located within shoreline jurisdiction only
5 when alternative locations are not feasible.

6 (b) Transportation facilities shall cross shoreline jurisdiction by the most direct route
7 feasible, unless such a route would result in greater impacts on wetlands and fish and wildlife
8 habitat conservation areas, agricultural activities, or channel migration than a less direct
9 route.

10 (c) Transportation facilities shall be designed to allow the free flow of water,
11 sediment and debris under them and to convey a 100-year flood without causing any rise in
12 the flood profile above conditions at the time of permit application. All bridges must provide
13 a minimum of three feet of clearance above the one hundred year flood level.

14 (d) Transportation facilities that cross over watercourses or wetlands shall utilize
15 elevated, open pile or pier structures whenever feasible.

16 (e) Road crossings on fish-bearing streams shall be designed according to the
17 guidelines set forth in *Fish Passage Design at Road Culverts* (Washington Department of
18 Fish and Wildlife, March 3, 1999).

19 (f) Bridge approach fills shall not encroach in the floodway of the base flood (100-
20 year frequency) of any river.

21 (g) When transportation facilities are designed to act as flood control structures, the
22 proposal shall comply with the requirements of SCC 30.67.540.

23 (h) New and enlarged transportation facilities shall provide public access pursuant to
24 SCC 30.67.330.

25 (i) Circulation system plans should include provisions for pedestrian, bicycle and
26 public transportation where appropriate.

27 (j) Parking and loading facilities necessary to support an authorized shoreline use
28 may be allowed in shoreline areas only when:

29 (i) The applicant can demonstrate that no other alternative location is feasible to
30 serve the primary use of the site; or

31 (ii) The parking or loading facility is needed to accommodate public access
32 pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.

33 (k) All of the following conditions shall be met when a parking facility is proposed in
34 the shoreline jurisdiction:

35 (i) The facilities shall be located landward from the primary building or use being
36 served, except when the parking facility is within or beneath the structure and adequately
37 screened;

38 (ii) Shoreline stabilization measures will not be necessary to protect the facility;

39 (iii) The facility will not result in impacts to wetlands and fish and wildlife
40 habitat conservation areas and their functions and values or the impacts can be mitigated in
41 accordance with the requirements of chapter 30.62A SCC;

42 (iv) Upland parking facilities shall provide safe and convenient pedestrian
43 circulation from the parking area to the shoreline;

(v) Loading spaces for development in the shoreline jurisdiction shall be located on the landward side of nonwater-dependent uses or activities; and

(vi) All facilities shall provide parking suitable to the expected usage of the facility in accordance with parking requirements in Title 30 SCC.

(2) In addition to the general regulations contained in SCC 30.67.590(1), the following shoreline environment designation-specific regulations for transportation, circulation and parking apply:

(a) Bridges, roads and parking facilities are permitted in the Urban, Rural Conservancy and Resource environments;

(b) Bridges, roads and parking facilities are conditionally permitted in the Urban Conservancy and Municipal Watershed Utility environments, except that roads and bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Municipal Watershed Utility environment.

(c) In the Natural environment:

(i) Bridges and roads are prohibited; and

(ii) Parking facilities are conditionally permitted.

(d) In the Aquatic environment:

(i) Bridges are conditionally permitted, provided they are permitted or conditionally permitted in the adjacent upland environment, except that bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Aquatic environment provided that the adjacent environment is not designated as Natural; and

(ii) Roads and parking facilities are prohibited.

30.67.595 Utility facilities.

For the purposes of this chapter, utility facilities are structures used to produce or carry electric power, gas, sewage, water, storm water, oil and communications including, but not limited to telephone, personal wireless communications, radio and television.

(1) The following general regulations apply to utility facilities within shorelines:

(a) Utility facilities shall be located outside of shoreline jurisdiction whenever feasible. When located within shoreline jurisdiction, utility facilities shall result in no net loss of shoreline ecological functions;

(b) Utility facilities shall be designed and located as follows:

(i) Non-water dependent and non-water related above-ground generating facilities (except hydroelectric generating facilities), switching complexes, pumping stations, treatment plants, storage tanks, towers and substations shall be set back from the ordinary high water mark at least 200 feet;

(ii) Utility transmission facilities shall be located in existing rights-of-way whenever possible and cross shoreline jurisdiction by the most direct route feasible, unless an alternative route would result in less impact on shoreline ecological functions;

(iii) Utility facilities shall not parallel a water body unless located in an existing improved transportation or utility corridor, and provided that underground facilities do not adversely impact hyporheic exchange;

(iv) Utility transmission lines, pipes and wires entering or leaving a body of water, other than a river, shall be bored or buried below the surface of the water body's bed from the

1 ordinary high water mark out to a minimum water depth of minus ten feet (-10 feet) below
2 mean lower low water. Directional boring, instead of excavation or trenching, is required
3 where feasible;

4 (v) Utility transmission lines, pipes and wires shall be bored under a river,
5 stream or channel migration zone, or permanently affixed to a bridge or other existing above-
6 ground structure, where feasible;

7 (vi) Aerial utility lines and vertical utility facilities shall make maximum use of
8 topography to minimize visual impacts on the surrounding area;

9 (vii) New AM radio towers are prohibited. AM radio towers either constructed
10 before October 13, 2010, or with complete applications for all permits and approvals required
11 for construction before October 13, 2010, shall not be considered nonconforming uses and
12 they may be repaired, replaced, and reconfigured as to the number and dimensions of towers
13 so long as the repair, replacement, or reconfiguration occurs on the parcel where the tower
14 was originally constructed or permitted and it does not increase the number of AM radio
15 towers constructed on the parcel. The design of vertical utilities such as communication
16 towers shall not obstruct or destroy scenic views of the water. This may be accomplished by
17 design, orientation and location of the tower, height, camouflage of the tower, or other
18 features consistent with utility technology;

19 (viii) Banks and dikes where transmission facilities enter or leave a body of water
20 shall be returned to their pre-construction configuration, shall be thoroughly compacted and
21 protected against erosion, and shall be maintained in a safe condition by the utility; and

22 (ix) Utility facilities shall not be located on feeder bluffs or in critical saltwater
23 habitat unless no feasible alternative exists and all adverse impacts can be mitigated.

24 (2) In addition to the general regulations in SCC 30.67.595(1), the following shoreline
25 environment designation-specific regulations apply to utility facilities:

26 (a) Urban.

27 (i) Except as provided in SCC 30.67.595(2)(a)(ii), utility facilities are permitted ;
28 and.

29 (ii) Dams, power plants, and associated uses are prohibited in the Urban
30 environment.

31 (b) Urban Conservancy.

32 (i) Transmission wires, pipes and supports are permitted when attached to a
33 bridge or similar structure;

34 (ii) The following utility structures and facilities are conditionally permitted:

35 (A) Electromagnetic transmission and receiving facilities; and

36 (B) Transmission wires, pipes and supports, except as provided in SCC
37 30.65.595(2)(b)(i).

38 (iii) The following utility structures and facilities are prohibited:

39 (A) Dams, power plants and associated uses; and

40 (B) All other utility facilities not expressly identified in SCC
41 30.67.595(2)(b)(i) and (ii).

42 (c) Rural Conservancy.

43 (i) Transmission wires, pipes and supports are permitted; and

44 (ii) The following utility facilities are conditionally permitted:

45 (A) Electromagnetic transmission and receiving facilities;

- 1 (B) Dams, power plants and associated uses; and
2 (C) All other utility facilities not expressly identified in SCC
3 30.67.595(2)(c)(i).
4 (d) Resource and Municipal Watershed Utility.
5 (i) Transmission wires, pipes and supports are permitted; and
6 (ii) The following utility facilities are conditionally permitted:
7 (A) Electromagnetic transmission and receiving facilities;
8 (B) Dams, power plants and associated uses; and
9 (C) All other utility facilities not expressly identified in SCC
10 30.67.595(2)(d)(i).
11 (e) Natural.
12 (i) Transmission wires, pipes and supports when attached to a bridge or similar
13 structure are permitted, otherwise such uses are conditionally permitted; and
14 (ii) Except as provided in SCC 30.67.595(e)(i), all other utility facilities are
15 prohibited.
16 (f) Aquatic.
17 (i) Transmission wires, pipes and supports when attached to a bridge or similar
18 structure are permitted, otherwise such uses are conditionally permitted.
19 (ii) Electromagnetic transmission and receiving facilities, including AM radio
20 towers, are prohibited;
21 (iii) The following utility structures and facilities are conditionally permitted:
22 (A) Dams, power plants and associated uses; and
23 (B) All other utility facilities not expressly identified in SCC
24 30.67.595(2)(f)(i) and (ii).

25 **30.67.599 Vegetation conservation and management.**

26 The purpose of vegetation conservation and management is to protect and restore the
27 shoreline ecological functions and ecosystem-wide processes performed by vegetation along
28 shorelines. Vegetation conservation and management should also be undertaken to protect
29 human safety and property, to increase the stability of river banks and coastal bluffs, to
30 reduce the need for structural shoreline stabilization measures, to improve the visual and
31 aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and
32 to enhance shoreline uses.

33 (1) Vegetation conservation and management is subject to the requirements of chapters
34 30.62A and 30.62B SCC.

35 (2) The removal or modification of existing vegetation and the alteration of topography
36 shall be the minimum necessary to accommodate an approved shoreline use or modification.
37 Except as provided in SCC 30.67.599(3), disturbed areas shall be replanted with appropriate
38 native species during the next growing season subject to the requirements of SCC
39 30.62A.320(3). Once the requirements of SCC 30.62A.320(3) have been satisfied, any
40 additional areas outside of the buffer and buffer mitigation area shall be replanted using a
41 minimum area replacement ratio of 1:1. Additional replanting area or native plant species
42 diversity improvements may be proposed by project applicants.

(3) Removal and control of noxious or invasive non-native plant species is permitted in all shoreline environments, provided that removal or control does not result in adverse impacts to water quality. If the removal of noxious or invasive non-native plants affects bank stability, replanting with native species using a minimum area replacement ratio of 1:1 is required. Vegetation management limited only to noxious or invasive non-native species is subject to the requirements of SCC 30.62A.010(2)(iv) and SCC 30.62A.510(3)(h).

(4) Landscaping required for development or uses within shoreline jurisdiction shall be designed to complement and enhance the view of the water over and across the site. Landscaping shall not be reduced or eliminated to achieve this provision, but shall be clustered to frame view corridors and shall use species conducive to the natural conditions of the shoreline environment.

Section 26. Snohomish County Code Section 30.70.020, last amended by Amended Ordinance 06-061 on August 1, 2007, is amended to read:

30.70.020 Pre-application meeting.

(1) A pre-application meeting is strongly encouraged for the following:

- (a) Subdivisions;
- (b) Planned residential developments;
- (c) Rezones;
- (d) Conditional use permits;
- (e) Development activities and actions requiring project permits when critical areas are located on the subject property; ~~((and))~~
- (f) Any application for which official site plan approval is required; and
- (g) Shoreline substantial development, shoreline conditional use and shoreline variance permits.

(2) The purpose of a pre-application meeting is to provide the department with preliminary information regarding the development proposal and to provide the applicant with preliminary information about development requirements, environmental issues, procedural requirements, known community concerns, and other relevant matters prior to the filing of a formal application.

(3) Pre-application meetings provide preliminary information only and are not intended to result in final actions or commitments by either the county or the applicant.

(4) The department shall prepare a pre-application submittal checklist that lists specific items or information requested for the meeting. When available, the applicant shall provide the information prior to the meeting.

(5) Within a reasonable time following a pre-application meeting, the department shall provide the applicant with a written summary of the issues discussed and specific instructions for submittal of a complete application, if any.

Section 27. Snohomish County Code Section 30.70.110, last amended by Amended Ordinance No. 09-044 on August 12, 2009, is amended to read:

1 **30.70.110 Processing timelines.**

2 (1) Notice of final decision on a project permit application shall issue within 120 days
3 from when the permit application is determined to be complete, unless otherwise provided by
4 this section or state law.

5 (2) In determining the number of days that have elapsed after an application is complete,
6 the following periods shall be excluded:

7 (a) Any period during which the county asks the applicant to correct plans, perform
8 required studies, or provide additional required information. The period shall be calculated
9 from the date the county mails notification to the applicant of the need for additional
10 information until the date the county determines whether the additional information satisfies
11 the request for information, or 14 days after the applicant supplies the information to the
12 county, whichever is earlier. If the information submitted by the applicant under this
13 subsection is insufficient, the county shall mail notice to the applicant of the deficiencies and
14 the provisions of this subsection shall apply as if a new request for information had been
15 made;

16 (b) Any period during which an environmental impact statement is being prepared;

17 (c) A period, not to exceed 30 calendar days, during which a code interpretation is
18 processing in conjunction with an underlying permit application pursuant to chapter 30.83
19 SCC.

20 (d) The period specified for administrative appeals of project permits;

21 (e) Any period during which processing of an application is suspended pursuant to
22 SCC 30.70.045(1)(b); and

23 (f) Any period of time mutually agreed upon by the applicant and the county.

24 (3) The time periods established by this section shall not apply to a project permit
25 application:

26 (a) That requires an amendment to the comprehensive plan or a development
27 regulation in order to obtain approval;

28 (b) That is substantially revised by the applicant, in which case a new 120-day time
29 period shall start from the date at which the revised project application is determined to be
30 complete;

31 (c) That requires approval of a development agreement by the county council;

32 (d) When the applicant consents to an extension; or

33 (e) During any period necessary for reconsideration of a hearing examiner's decision.

34 (4) Subject to all other requirements of this section, notice of final decision on an
35 application for a boundary line adjustment shall be issued within 45 days after the application
36 is determined complete.

37 (5) The county shall notify the applicant in writing if a notice of final decision on the
38 project has not been made within the time limits specified in this section. The notice shall
39 include a statement of reasons why the time limits have not been met and an estimated date
40 of issuance of a notice of final decision.

41 (6) Failure of the county to make a final decision within the timelines specified by this
42 chapter shall not create liability for damages.

(7) Timelines for processing shoreline substantial development, shoreline conditional use and shoreline variance permits shall be in accordance with the provisions of this chapter unless otherwise specified in chapter 30.44 SCC.

Section 28. Snohomish County Code Section 30.71.020, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.71.020 Type 1 permits and decisions.

The following are processed as Type 1 administrative decisions:

- (1) Administrative conditional use permit;
- (2) Binding site plan approval;
- (3) Boundary line adjustment, except as provided in 30.41E.020 SCC;
- (4) Building and grading permits subject to SEPA review pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant to chapter 30.32D;
- (5) Free standing signs in the FS and RFS zones;
- (6) Code interpretations;
- (7) Flood hazard permit, except as provided in SCC 30.43C.020;
- (8) Flood hazard variance;
- (9) Freeway service zone official site plan (existing FS zone);
- (10) Shoreline substantial development permit, shoreline conditional use, and shoreline variance, except when processed as a Type 2 decision pursuant to SCC ((30.44.240)) 30.44.210;
- (11) Short subdivision approval with no dedication of a new public road right-of-way;
- (12) Urban centers project decision pursuant to chapter 30.34A SCC;
- (13) Variance;
- (14) Single family detached units applications pursuant to chapter 30.41F SCC; and
- (15) Administrative site plan pursuant to SCC 30.23A.100.

Section 29. Snohomish County Code Section 30.71.027, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.71.027 Review or revocation of certain permits or approvals.

(1) If the director determines that a permit or approval is in material violation of this title, the director may initiate proceedings before the hearing examiner to review or revoke the permit or approval, in whole or in part.

(2) The hearing examiner shall hold a hearing in accordance with SCC 30.71.100. The director shall provide notice in accordance with SCC 30.70.050.

(3) The hearing examiner, upon good cause shown, may direct the department to issue a stop work order to temporarily stay the force and effect of all or any part of an issued permit or approval until the final decision of the hearing examiner is issued.

(4) Review or revocation of a shoreline substantial development, shoreline conditional use or shoreline variance permit shall be in accordance with the provisions of chapter 30.44 SCC.

1
2 **Section 30.** Snohomish County Code Section 30.71.050, last amended by Amended
3 Ordinance No. 03-014 on March 19, 2003, is amended to read:

4 **30.71.050 Appeal of Type 1 decision.**

5 (1) Who may appeal. Any aggrieved party of record may file an appeal of a Type 1
6 decision.

7 (2) Time and place to appeal. Appeals of a Type 1 decision, except as provided in SCC
8 30.71.050(3), shall be addressed to the hearing examiner and filed in writing with the
9 department within 14 calendar days of the notice of the decision, except that appeals of a
10 Type 1 decision issued concurrently with a SEPA threshold determination shall be filed
11 within 21 days of the notice of the decision, if the SEPA decision is a determination of
12 nonsignificance that is required to have a public comment period pursuant to WAC 197-11-
13 340.

14 (3) Shoreline appeals. Appeals of a shoreline substantial development permit, shoreline
15 conditional use permit, or shoreline variance shall be filed with the state shorelines hearings
16 board pursuant to SCC 30.44.250 and RCW 90.58.180.

17 (4) Fees. Each appeal filed on a non-shoreline Type 1 decision shall be accompanied by a
18 filing fee in the amount of \$500.00; provided that the filing fee shall not be charged to a
19 department of the county; and provided further that the filing fee shall be refunded in any
20 case where an appeal is dismissed in whole without hearing pursuant to SCC 30.71.060.

21 (5) Form of appeal. A person appealing a Type 1 decision must file a written statement
22 setting forth:

23 (a) Facts demonstrating that the person is aggrieved by the decision;

24 (b) A concise statement identifying each alleged error and the manner in which the
25 decision fails to satisfy the applicable decision criteria. An appeal of a SEPA environmental
26 document shall describe any alleged inadequacy in the threshold determination or
27 environmental impact statement with respect to evaluation of a specific environmental
28 element;

29 (c) The specific relief requested; and

30 (d) Any other information reasonably necessary to make a decision on appeal.

31 (6) Limitation on new appeal issues. No new substantive appeal issues may be raised or
32 submitted after the close of the time period for filing of the original appeal. The hearing
33 examiner, if procedural limitations allow, may allow an appellant not more than 15 days to
34 perfect an otherwise timely filed appeal.

35 (7) Matters within the jurisdiction of the building code board of appeals. Matters within
36 the jurisdiction of the building code board of appeals pursuant to SCC 30.50.020 shall not be
37 subject to appeal pursuant to chapter 30.71 SCC.

Section 31. Snohomish County Code Section 30.72.020, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.72.020 Type 2 permits and decisions.

The following are processed as Type 2 permits and decisions:

- (1) Conditional use permit and major revisions;
- (2) Rezones (site-specific);
- (3) Official site plan or preliminary plan approval when combined with a rezone request in FS, IP, BP, PCB, T, RB, RFS, and RI zones;
- (4) Flood hazard area variance, if combined with a Type 2 application;
- (5) Preliminary subdivision approval and major revisions;
- (6) Planned residential developments;
- (7) Short subdivision with dedication of a new public road;
- (8) Shoreline substantial development, conditional use, or variance permit if forwarded pursuant to SCC ~~((30.44.240))~~ 30.44.210(2);
- (9) Shoreline substantial development permit rescission pursuant to SCC 30.44.320; and
- (10) Boundary line adjustments as provided in 30.41E.020 SCC.

Section 32. Snohomish County Code Section 30.72.025, last amended by Amended Emergency Ordinance No. 05-030 on April 18, 2005, is amended to read:

30.72.025 Type 2 process overview.

Type 2 decisions are made by the hearing examiner based on a report from the department and information received at an open record hearing. The hearing examiner's decision on a Type 2 application is a final decision subject to appeal to the county council, except for shoreline permits issued under chapter 30.44 SCC. Appeals of shoreline substantial development permits, shoreline conditional use permits, and shoreline variances ~~((are made directly to the state shorelines hearings board))~~ shall comply with SCC 30.44.250.

Section 33. Snohomish County Code Section 30.72.070, last amended by Amended Ordinance No. 03-014 on March 19, 2003, is amended to read:

30.72.070 Appeal of Type 2 decision.

(1) All Type 2 hearing examiner decisions may be appealed to the county council except for shoreline substantial development permits and permit ~~((decisions))~~ rescissions, shoreline conditional use permits, and shoreline variances, which may be appealed to the state shorelines hearings board pursuant to ~~((the provisions))~~ SCC 30.44.250 and ((of)) RCW 90.58.180.

(2) An appeal to the county council may be filed by any aggrieved party of record. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved

1 party need not file a petition for reconsideration but may file an appeal directly to the county
2 council. If a petition for reconsideration is filed, issues subsequently raised by that party on
3 appeal to the county council shall be limited to those issues raised in the petition for
4 reconsideration.

5 (3) Any aggrieved party of record may appeal a decision on reconsideration.

6 (4) Appeals shall be addressed to the county council and shall be filed in writing with the
7 department within 14 days following the date of the hearing examiner's decision.

8 (5) A filing fee of \$500 shall be submitted with each appeal filed; provided that the fee
9 shall not be charged to a department of the county. The filing fee shall be refunded in any
10 case where an appeal is summarily dismissed in whole without hearing under SCC
11 30.72.075.

12
13 **Section 34.** Snohomish County Code Section 30.73.010, adopted by Amended Ordinance
14 No. 02-064 on December 9, 2002, is amended to read:

15 **30.73.010 Purpose and applicability.**

16 (1) The purpose of this chapter is to set forth procedures for adoption or amendment of the
17 comprehensive plan and development regulations pursuant to the Growth Management Act,
18 chapter 36.70A RCW, and the Shoreline Management Program (SMP) pursuant to the
19 Shoreline Management Act, chapter 90.58 RCW.

20 (2) This chapter is intended to supplement, and not to limit, existing county authority and
21 procedures for adopting legislation. Nothing in this chapter shall be construed to limit the
22 legislative authority of the county council to consider and adopt amendments and revisions to
23 the comprehensive plan and development regulations, except as expressly provided in this
24 chapter.

25 (3) The provisions of this chapter apply to all Type 3 legislative decisions which include
26 and are limited to adoption or amendment of the comprehensive plan, the SMP, county-
27 initiated rezones to implement the comprehensive plan, docketing proposals submitted
28 pursuant to chapter 30.74 SCC, and new GMA development regulations or amendment of
29 existing development regulations.

30 (4) This chapter shall not apply to amendments to the initiative, mini-initiative, or
31 referendum process provided for in Article 5 of the county charter.

32
33 **Section 35.** A new section is added to chapter 30.73 of the Snohomish County Code to read:

34 **30.73.081 Amendments to Shoreline Management Program.**

35 (1) Amendments to the Shoreline Management Program (SMP) shall comply with SCC
36 30.67.110.

37 (2) After county council adoption, amendments to the SMP will not become effective until
38 approved by the state Department of Ecology pursuant to RCW 90.58.090.

Section 36. Snohomish County Code Section 30.74.010, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.74.010 Purpose and applicability.

(1) The purpose of this chapter is to establish procedures for persons to propose amendments and revisions to the comprehensive plan and implementing development regulations adopted under the Growth Management Act (GMA) and the Shoreline Management Act (SMA).

(2) Any person may propose amendments to the comprehensive plan and implementing development regulations adopted under the GMA and the SMA. This chapter applies to proposed amendments to:

(a) The goals, objectives, policies, and implementation measures of the comprehensive plan;

(b) The future land use map;

(c) The urban growth area boundaries;

(d) The transportation element;

(e) The capital facilities element;

(f) The county park plan;

(g) Subarea plans;

(h) The Shoreline Management (~~Master~~) Program as specified in SCC 30.67.110;

(i) Any part of the Snohomish County Code adopted to meet the requirements of the GMA and the SMA; and

(j) The zoning map if concurrent with a requested future land use map amendment.

(3) This chapter is intended to supplement, and not to limit or replace, existing county authority and procedures for adoption of legislation, including, but not limited to, the county charter and chapter 30.73 SCC. Nothing in this chapter shall be constructed to limit the legislative authority of the county to consider and adopt amendments and revisions to the comprehensive plan and development regulations.

Section 37. Snohomish County Code Section 30.86.310, last amended by Amended Ordinance No. 07-108 on November 19, 2007, is amended to read:

30.86.310 Shoreline (~~Management~~) Permit Fees.

Shoreline (Variance) <u>variance</u>	\$1,440
Shoreline single family residence variance	\$800
Shoreline substantial development permit or shoreline conditional use permit: Up to \$10,000	 \$780

\$10,001 to \$100,000	\$1560
\$101,001 to \$500,000	\$4,680
\$500,001 to \$1,000,000	\$6,240
More than \$1,000,000	\$7,800
Shoreline ((Management)) permit public ((Hearing Fee)) <u>hearing</u> (if required)	\$1,248 ⁽¹⁾
Shoreline <u>permit exemptions</u> ((Exemptions))	\$540 ⁽²⁾
Shoreline ((Fees)) <u>fees</u> for playing fields on designated recreational land in accordance with SCC 30.28.076 and chapter 30.33B SCC	\$0
<u>Shoreline permit renewal – base fee</u>	<u>\$580</u>
<u>Additional fee for review of additions or revisions</u>	<u>\$565</u>
<u>Additional fee for coordination with the state – CUP and variance only</u>	<u>\$140</u>
Reference Notes: ⁽¹⁾ The additional fee shall be paid prior to scheduling the proposed permit for public hearing. ⁽²⁾ <u>Watershed restoration projects that meet the definition in RCW 89.08.460 are not subject to this fee.</u>	

Section 38. A new section is added to chapter 30.91A of the Snohomish County Code to read:

30.91A.005 “Accretion” means the gradual extension of land by natural forces, as in the addition of sand to a beach by ocean currents, or the extension of a floodplain through the deposition of sediments by repeated flooding. Included are such shore forms as barrier beaches, points, spits and hooks.

This definition applies only to “Shoreline” regulations in chapters 30.44 and 30.67 SCC.

1
2
3 **Section 39.** A new section is added to chapter 30.91A of the Snohomish County Code to
4 read:

5
6 **30.91A.092** "Agricultural activities" means agricultural uses and practices including, but not
7 limited to: Producing, breeding, or increasing agricultural products; rotating and changing
8 agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed
9 and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result
10 of adverse agricultural market conditions; allowing land used for agricultural activities to lie
11 dormant because the land is enrolled in a local, state, or federal conservation program, or the land
12 is subject to a conservation easement; conducting agricultural operations; maintaining, repairing,
13 and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities,
14 provided that the replacement facility is no closer to the shoreline than the original facility; and
15 maintaining agricultural lands under production or cultivation.

16
17 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

18
19 **Section 40.** A new section is added to chapter 30.91A of the Snohomish County Code to
20 read:

21
22 **30.91A.095** "Agricultural composting" means composting of agricultural wastes and
23 sale of the composted products to the public, provided that the site of the sale and
24 composting operation meets all the following parameters:

- 25 (1) Limit activities to 10% or less of total farm site;
26 (2) Ability to obtain all other necessary permits including, but not limited to, health
27 permits, shoreline, flood hazard, and grading;
28 (3) Ability to spread agronomically 50% of total volume of finished compost;
29 (4) Ability to spread 50% of product on farm site (Farmplan/Nutrient Management
30 Plan must be on file with Snohomish County at the time of permit application);
31 (5) Minimum of 10% of total volume of finished compost must be spread on the
32 property yearly;
33 (6) 50% of product has to be agriculturally generated;
34 (7) 10% of 50% has to be generated from site;
35 (8) Maximum of 500 cubic yards of unsuitable incidental materials (rock, asphalt,
36 concrete over 3 inches in size) may be stored on the farm site. The incidental
37 materials must be removed yearly;
38 (9) Operation must have current Health District permit and approval.

39
40
41 **Section 41.** A new section is added to chapter 30.91A of the Snohomish County Code to
42 read:

43
44 **30.91A.107** "Agricultural products" include but are not limited to horticultural,
45 viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and

1 apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar
2 hardwood trees grown as crops and harvested within twenty years of planting; and livestock
3 including both the animals themselves and animal products including but not limited to meat,
4 upland finfish, poultry and poultry products, and dairy products.

5
6 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

7
8 **Section 42.** A new section is added to chapter 30.91A of the Snohomish County Code to
9 read:

10
11 **30.91A.097 "Agricultural equipment and facilities"** includes, but is not limited to: (i)
12 The following used in agricultural operations: equipment; machinery; constructed shelters,
13 buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal,
14 conveyance, and use equipment and facilities including but not limited to pumps, pipes,
15 tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel,
16 livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and
17 associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for
18 marketing fruit or vegetables.

19
20 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

21
22 **Section 43.** A new section is added to chapter 30.91A of the Snohomish County Code to
23 read:

24
25 **30.91A.102 "Agricultural land"** means those specific land areas on which agriculture
26 activities are conducted as of the date of adoption of the Shoreline Management Program
27 (SMP) October 13, 2010) as evidenced by aerial photography or other documentation. After
28 the effective date of the SMP, land converted to agricultural use is subject to compliance with
29 the requirements of the SMP.

30
31 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

32
33 **Section 44.** Snohomish County Code Section 30.91A.250, adopted by Amended Ordinance
34 02-064 on December 9, 2002, is amended to read:

35
36 **30.91A.250 "Appurtenance"** means development necessarily connected to the use and
37 enjoyment of a single family residence and located landward of the perimeter of a ((marsh;
38 bog, swamp))wetland and landward of the ordinary high water mark. Normal appurtenances
39 include a garage; deck; driveway; utilities solely servicing the subject single family
40 residence; fences; and grading which does not exceed 250 cubic yards (except to construct a
41 conventional drainfield).

42
43 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

1
2 **Section 45.** A new section is added to chapter 30.91A of the Snohomish County Code to
3 read:

4
5 **30.91A.255 "Aquaculture"** means the culture, harvesting or farming of food fish,
6 shellfish, or other aquatic plants and animals. Activities include the hatching, cultivating,
7 planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the
8 maintenance and construction of necessary equipment, buildings and growing areas.
9 Cultivation methods include but are not limited to fish pens, fish hatcheries, shellfish rafts,
10 racks and long lines, seaweed floats and nets and the culture of clams and oysters on
11 tidelands and subtidal areas.

12
13 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

14
15 **Section 46.** A new section is added to chapter 30.91A of the Snohomish County Code to
16 read:

17
18 **30.91A.300 "Associated wetlands"** means those wetlands which are in proximity to and
19 either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline
20 Management Act.

21
22 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

23
24 **Section 47.** A new section is added to chapter 30.91B of the Snohomish County Code to
25 read:

26
27 **30.91B.037 "Beach"** means the zone of unconsolidated material that is moved by waves,
28 wind, and tidal currents, extending landward to the coastline.

29
30 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

31
32 **Section 48.** A new section is added to chapter 30.91B of the Snohomish County Code to
33 read:

34
35 **30.91B.039 "Beach restoration"** means the process of restoring a beach to a state more
36 closely resembling a natural beach, using beach feeding, vegetation, drift sills, and other non-
37 intrusive means as applicable.

38
39 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

40
41 **Section 49.** A new section is added to chapter 30.91B of the Snohomish County Code to
42 read:

1 **30.91B.038 "Beach feeding"** means the process of replenishing a beach by delivery of
2 materials dredged or excavated elsewhere.

3
4 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

5
6 **Section 50.** A new section is added to chapter 30.91B of the Snohomish County Code to
7 read:

8
9 **30.91B.165 "Boat ramp"** means graded slopes, slabs, pads, planks, or rails used for
10 launching boats by means of a trailer, hand, or mechanical device.

11
12 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

13
14 **Section 51.** A new section is added to chapter 30.91B of the Snohomish County Code to
15 read:

16
17 **30.91B.185 "Breakwater"** means an offshore structure parallel to shore, sometimes
18 shore-connected, that provides protection from waves.

19
20 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

21
22 **Section 52.** Snohomish County Code Section 30.91B.240, amended by Amended Ordinance
23 08-101 on January 21, 2009, is amended to read:

24
25 **30.91B.240 "Building height"** means the vertical distance between two points of reference
26 as determined in SCC 30.23.050, the shoreline management (~~(master)~~) program and the
27 Snohomish County construction codes.

28
29 **Section 53.** A new section is added to chapter 30.91B of the Snohomish County Code to
30 read:

31
32 **30.91B.260 "Bulkhead"** means a solid or open pile wall erected generally parallel to and
33 near the ordinary high water mark for the purposes of protecting adjacent uplands from
34 waves or current action. [See SCC 30.91N.097 for the definition of "normal protective
35 bulkhead."]

36
37 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

38
39 **Section 54.** Snohomish County Code Section 30.91C.067, added by Amended Ordinance
40 06-061 on August 1, 2007, is amended to read:

41
42 **SCC 30.91C.067 "Channel migration zones (CMZ)"** means the land adjacent to the
43 current river channel that is at high risk of occupation by the channel within the next 100

1 years. ((The CMZ shall not include areas landward of natural or man made features which
2 limit channel migration. Such features may include, but are not limited to: bedrock
3 outcroppings, bank armoring structures, or roads, railroads or flood control structures which
4 receive regular maintenance sufficient to maintain structural integrity.)) All areas separated
5 from the active channel by a legally existing artificial structure(s) that is publicly maintained
6 and likely to restrain channel migration, including transportation facilities, built above or
7 constructed to remain intact through the one hundred-year flood, shall not be considered to
8 be in the channel migration zone. Areas behind natural or manmade features which limit
9 channel migration that allow fish passage shall not be included in the channel migration
10 zone.

11
12 **Section 55.** A new section is added to chapter 30.91C of the Snohomish County Code to
13 read:

14
15 **30.91C.132 "Commercial development"** means structures or sites whose primary function
16 is to support the exchange of money for goods or services, including but not limited to
17 wholesale or retail trade, business activities or services and business parks. Excluded from
18 this definition are home occupations, industrial development and utilities.

19
20 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

21
22 **Section 56.** Snohomish County Code Section 30.91D.230, adopted by Amended Ordinance
23 02-064 on December 9, 2002, is amended to read:

24
25 **30.91D.230 "Development"** means a use consisting of the construction or exterior
26 alteration of structures; dredging; drilling; dumping; filling; removal of sand, gravel, or
27 minerals; bulkheading; driving of piling; placing of obstructions; or any project of a
28 permanent or temporary nature which interferes with the normal public use of the surface of
29 the waters overlying lands subject to the Shoreline Management Act.

30
31 *This definition applies only to "Shoreline" regulations in ((chapter)) chapters 30.44 and*
32 *30.67 SCC.*

33
34 **Section 57.** A new section is added to chapter 30.91D of the Snohomish County Code to
35 read:

36
37 **30.91D.445 "Dredging"** means the removal of earth, sand, sludge or other materials from
38 below the ordinary high water mark of a stream, river, lake, bay or other waterbody.
39 However, the creation of temporary depressions or contour alterations on tidelands or
40 bedlands through the use of aquaculture harvesting equipment approved by the Washington
41 State Department of Fish and Wildlife shall not be construed to be dredging.

42
43 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

1
2 **Section 58.** A new section is added to chapter 30.91D of the Snohomish County Code to
3 read:

4
5 **30.91D.448 "Drift cell"** means a particular reach of marine shore in which littoral drift
6 may occur without significant interruption and which contains any natural sources of such
7 drift and also accretion shore forms created by such drift.

8
9 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

10
11 **Section 59.** A new section is added to chapter 30.91D of the Snohomish County Code to
12 read:

13
14 **30.91D.449 "Drift sills"** means small groins which hold sediments in place without
15 blocking longshore drift.

16
17 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

18
19 **Section 60.** A new section is added to chapter 30.91D of the Snohomish County Code to
20 read:

21
22 **30.91D.325 "Downdrift"** means the direction of movement of beach materials.

23
24 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

25
26 **Section 61.** Snohomish County Code Section 30.91E.100, adopted by Amended Ordinance
27 02-064 on December 9, 2002, is amended to read:

28
29 **30.91E.100 "Emergency"** means a situation of a serious nature which has developed
30 suddenly, constitutes an imminent threat, and demands immediate action to protect property
31 from damage by the elements or to protect members of the public from a serious and
32 imminent threat to health or safety. ~~((A declaration of emergency for shoreline stabilization~~
33 ~~measures shall only be used to protect existing development or prime agricultural land, or to~~
34 ~~prevent impairment of channel function, and only when one of the following exists:~~
35 ~~—(1)—Imminent danger is existent as a result of high water, and damage is expected due to~~
36 ~~flooding conditions for which appropriate flood warnings have been issued.~~
37 ~~—(2)—Damage is occurring as a result of floodwaters at or exceeding flood stage as~~
38 ~~defined by the appropriate authority.~~
39 ~~—(3)—Property has been damaged and rendered unstable by previous flooding and is in~~
40 ~~such condition that future flooding will cause additional damage if protective measures are~~
41 ~~not taken; PROVIDED, the county engineer has issued written approval of the emergency~~
42 ~~protective measures sought, such approval being based upon the following findings:~~

~~1 (a) Any protective measures do not exceed \$5,000 in value as measured by the total~~
~~2 cost or fair market value of the improvements whichever is greater;~~
~~3 (b) Insufficient time exists to obtain a shoreline development permit prior to the~~
~~4 likelihood of future flooding and/or seasonal deadlines for construction in streamway~~
~~5 channels; and~~
~~6 (c) The person seeking to undertake emergency protective measures has applied to the~~
~~7 county engineer for approval of such emergency protective measures within 30 days of the~~
~~8 occurrence of damage by previous flooding.))~~

9
10 This definition applies only to "Shoreline" regulations in ((chapter)) chapters 30.44 and
11 30.67 SCC.

12
Section 62. A new section is added to chapter 30.91E of the Snohomish County Code to
14 read:

15
30.91E.125 "Enhancement" means alteration of an existing shoreline habitat to improve
17 or increase its ecological characteristics and processes without degrading other existing
18 functions. Enhancements are to be distinguished from resource creation or restoration
19 projects.
20

21 This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC and
22 Wetlands and Fish and wildlife habitat conservation areas regulations in chapter 30.62A
23 SCC.

24
Section 63. A new section is added to chapter 30.91F of the Snohomish County Code to
26 read:

27
30.91F.065 "Fair market value" means the open market bid price for conducting work,
29 using equipment and facilities, and purchase of goods, services and materials necessary for
30 development. This normally is the cost of hiring a contractor to undertake the development
31 from start to finish, including pre-development costs, the cost of labor, materials, equipment
32 and facility usage, transportation and contractor overhead and profit. The fair market value
33 of a development shall include the fair market value of any donated, contributed or found
34 labor, equipment or materials.
35

36 This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.
37

38
39
Section 64. A new section is added to chapter 30.91F of the Snohomish County Code to
41 read:

42
43 **30.91F.195 "Feasible"** means actions that meet all of the following conditions:

1 (a) The action can be accomplished with technologies and methods that have been used in
2 the past in similar circumstances, or studies or tests have demonstrated in similar
3 circumstances that such approaches are currently available and likely to achieve the intended
4 results;

5 (b) The action provides a reasonable likelihood of achieving its intended purpose; and

6 (c) The action does not physically preclude achieving the project's primary intended use.
7

8 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

9 **Section 65.** A new section is added to chapter 30.91F of the Snohomish County Code to
10 read:

11
12 **30.91F.196 "Feeder bluff"** means any bluff or cliff experiencing periodic erosion from
13 waves, sliding or slumping, whose eroded earth, sand or gravel material is naturally
14 transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of
15 beach material are limited and vital for the long term stability of driftways and accretion
16 shoreforms.

17
18 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

19
20 **Section 66.** A new section is added to chapter 30.91F of the Snohomish County Code to
21 read:

22
23 **30.91F.222 "Fill"** means the addition of soil, sand, rock, gravel, sediment, earth retaining
24 structure, or other material to an area waterward of the ordinary high water mark, in wetlands
25 or on shorelands, in a manner that raises the elevation, alters topography or creates dry land.
26

27 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC. **

28
29 **Section 67.** A new section is added to chapter 30.91F of the Snohomish County Code to
30 read:

31
32 **30.91F.355 "Floating home"** means a structure designed primarily as a permanently
33 based structure and not as a vessel and is typically characterized by permanent utilities, a
34 semi-permanent anchorage/moorage design, and the lack of adequate self-propulsion to
35 operate as a vessel.
36

37 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

38
39 **Section 68.** A new section is added to chapter 30.91F of the Snohomish County Code to
40 read:

41
42 **30.91F.415 "Floodplain"** means the 100-year floodplain based upon flood ordinance
43 regulation maps.

1
2 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

3
4 **Section 69.** A new section is added to chapter 30.91F of the Snohomish County Code to
5 read:

6
7 **30.91F.435 "Floodway"** means the area, as identified in a master program, that either: (i) has
8 been established in federal emergency management agency flood insurance rate maps or
9 floodway maps; or (ii) consists of those portions of a river valley lying streamward from the
10 outer limits of a watercourse upon which flood waters are carried during periods of flooding
11 that occur with reasonable regularity, although not necessarily annually, said floodway being
12 identified, under normal condition, by changes in surface soil conditions or changes in types
13 or quality of vegetative ground cover condition, topography, or other indicators of flooding
14 that occurs with reasonable regularity, although not necessarily annually. Regardless of the
15 method used to identify the floodway, the floodway shall not include those lands that can
16 reasonably be expected to be protected from flood waters by flood control devices
17 maintained by or maintained under license from the federal government, the state, or a
18 political subdivision of the state.

19
20 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

21
22 **Section 70.** A new section is added to chapter 30.91G of the Snohomish County Code to
23 read:

24
25 **30.91G.076 "Grading"** means the movement or redistribution of the soil, rock, gravel,
26 sediment, or other material on a site in a manner that alters the natural contour of the land.

27
28 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

29
30 **Section 71.** A new section is added to chapter 30.91G of the Snohomish County Code to
31 read:

32
33 **30.91G.085 "Groin"** means a barrier type structure extending from the backshore or
34 stream bank into a water body for the purpose of the protection of a shoreline and adjacent
35 upland by influencing the movement of water or deposition of materials.

36
37 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

38
39 **Section 72.** A new section is added to chapter 30.91H of the Snohomish County Code to
40 read:

1 **30.91H.175** "Houseboat" means a vessel used for living quarters but licensed and
2 designed substantially as a mobile structure by means of detachable utilities or facilities,
3 anchoring, and the presence of self-propulsion to operate as a vessel.
4

5 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*
6

7 **Section 73.** A new section is added to chapter 30.91I of the Snohomish County Code to
8 read:
9

10 **30.91I.035** "Industrial development" means structures or sites used for the primary
11 purposes of manufacturing, assembly, processing or storage of products or equipment.
12 Industrial uses include those non-agricultural activities which are permitted or conditionally
13 permitted, including administrative conditional use permits, in the following zones or
14 combination of zones as defined in SCC 30.21.025:

15 (1) Uses allowed only in one or more of the Urban industrial zones;

16 (2) Uses allowed only in one or more of the Urban industrial zones and in General
17 Commercial;

18 (3) Uses allowed exclusively in Rural Industrial (RI), or in RI and any other rural or
19 resource zone except R-5, except that the following uses which are allowed in RI and in R-5
20 shall be included as industrial uses:

21 (a) Uses related to the processing or storage of forest, woodwaste or mineral
22 products or equipment; and

23 (b) Explosives storage.
24

25 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*
26

27 **Section 74.** A new section is added to chapter 30.91I of the Snohomish County Code to
28 read:
29

30 **30.91I.085** "In-water structure" means a structure located waterward of the ordinary
31 high water mark that either causes or has the potential to cause water impoundment or the
32 diversion, obstruction, or modification of water flow.
33

34 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*
35

36 **Section 75.** A new section is added to chapter 30.91J of the Snohomish County Code to
37 read:
38

39 **30.91J.005** "Jetty" means a structure projecting out into the sea at the mouth of a river
40 for the purpose of protecting a navigation channel or a harbor, or to influence water currents.
41

42 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*
43

1 **Section 76.** A new section is added to chapter 30.91L of the Snohomish County Code to
2 read:

3
4 **30.91L.055 “Levee”** means a large dike or embankment, often having an access road
5 along the top, which is designed as part of a system to protect land from floods.

6
7 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

8
9 **Section 77.** A new section is added to chapter 30.91L of the Snohomish County Code to
10 read:

11
12 **30.91L.085 “Littoral drift”** means the transport of mud, sand or gravel materials parallel
13 to the shoreline in the nearshore zone by waves and currents.

14
15 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

16
17 **Section 78.** Snohomish County Code Section 30.91M.040, adopted by Amended Ordinance
18 02-064 on December 9, 2002, is repealed.

19
20 **Section 79.** A new section is added to chapter 30.91M of the Snohomish County Code to
21 read:

22
23 **30.91M.028B “Marina”** means a water-dependent use that consists of a system of piers,
24 buoys or floats to provide moorage for ten or more boats.

25
26 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

27
28 **Section 80.** A new section is added to chapter 30.91M of the Snohomish County Code to
29 read:

30
31 **30.91M.195 “Mooring buoy”** means a floating object anchored to the bottom of a water
32 body to which vessels may be tied.

33
34 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

35
36 **Section 81.** A new section is added to chapter 30.91N of the Snohomish County Code to
37 read:

38
39 **30.91N.011 “Native vegetation”** means plants which are indigenous to the Puget Sound
40 region, not including noxious weeds, introduced species or exotic plants.

41
42 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

1
2 **Section 82.** Snohomish County Code Section 30.91N.095, adopted by Amended Ordinance
3 06-061 on August 1, 2007, is amended to read:

4
5 **30.91N.095 "Normal maintenance or repair"** of existing structures or developments,
6 including damage by accident, fire or elements. "Normal maintenance" includes those usual
7 acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal
8 repair" means to restore a development to a state comparable to its original condition,
9 including but not limited to its size, shape, configuration, location and external appearance,
10 within a reasonable period after decay or partial destruction, except where repair causes
11 substantial adverse effects the environment. Replacement of a structure or development may
12 be authorized as repair where such replacement is the common method of repair for the type
13 of structure or development and the replacement structure or development is comparable to
14 the original structure or development including but not limited to its size, shape,
15 configuration, location, and external appearance and the replacement does not cause
16 substantial adverse effects to shoreline resources or environment.

17
18 *This definition applies only to "Shoreline" regulations in ((chapter)) chapters 30.44 and*
19 *30.67 SCC and critical area regulations in chapters 30.62A, 30.62B and 30.62C SCC.*

20
21 **Section 83.** A new section is added to chapter 30.91N of the Snohomish County Code to
22 read:

23
24 **30.91N.097 "Normal protective bulkhead"** means a bulkhead, of a scope or scale
25 common to single family residences, constructed at or near the ordinary high water mark, the
26 sole purpose of which is to protect an existing single family residence from damage due to
27 erosion caused by waves or current action, and not for the purpose of creating new land.

28
29 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

30
31 **Section 84.** A new section is added to chapter 30.91P of the Snohomish County Code to
32 read:

33
34 **30.91P.291 "Primary shoreline use"** means the predominant use of a site that is both an
35 allowed use within the shoreline environment designation and allowed pursuant to the zoning
36 regulations.

37
38 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

39
40 **Section 85.** A new section is added to chapter 30.91R of the Snohomish County Code to
41 read:

1 **30.91R.124 "Restore," "restoration" and "ecological restoration"** mean the
2 reestablishment or upgrading of impaired ecological shoreline processes or functions. This
3 may be accomplished through measures including, but not limited to, revegetation, removal
4 of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does
5 not require returning the shoreline area to aboriginal or pre-European settlement conditions.

6
7 *This definition applies only to "Shoreline" regulations in chapter 30.44 and 30.67 SCC.*

8 **Section 86.** Snohomish County Code Section 30.91R.122, adopted by Amended Ordinance
9 06-061 on August 1, 2007, is amended to read

10 **30.91R.122 "Restoration"** means the manipulation of the physical, chemical, or biological
11 characteristics of a site with the goal of returning natural or historic ecological functions of a
12 former or degraded wetland or fish and wildlife habitat conservation area.

13
14 *This definition applies only to ~~"Shorelines" regulations in chapter 30.44 SCC and~~*
15 *~~"Wetlands and fish and wildlife habitat conservation areas" regulations in chapter 30.62A~~*
16 *~~SCC.~~*

17
18 **Section 87.** A new section is added to chapter 30.91R of the Snohomish County Code to
19 read:

20
21 **30.91R.195 "Revetment"** means a facing of stone or concrete built to protect a scarp,
22 embankment, or shore structure against erosion by waves or currents.

23
24 *This definition applies only to "Shoreline" regulations in chapter 30.44 and 30.67 SCC.*

25
26 **Section 88.** A new section is added to chapter 30.91R of the Snohomish County Code to
27 read:

28
29 **30.91R. 197 "Riprap"** means a layer, facing, or protective mound of stones placed to
30 prevent erosion, scour, or sloughing of a structure or embankment; also the stone so used.

31
32 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

33
34 **Section 89.** A new section is added to chapter 30.91S of the Snohomish County Code to
35 read:

36
37 **30.91S.075 "Seawall"** means a structure separating land and water areas primarily to
38 prevent erosion and other damage caused by wave action. Seawalls are more massive and
39 capable of resisting greater wave forces than a bulkhead.

40
41 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

Section 90. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.181 "Shorelands" means those upland areas associated with shorelines of the state including:

- (1) Uplands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark;
- (2) Floodways and 100-year floodplains; and
- (3) All wetlands and river deltas associated with shorelines of the state.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

Section 91. Snohomish County Code Section 30.91S.190, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91S.190 "Shoreline conditional use" means a use or modification ~~((development))~~ which is classified by the ~~((shoreline management master program))~~ Snohomish County Shoreline Management Program (SMP) as a conditional use in certain shoreline environments or is ~~((not classified by the master program))~~ an unlisted use or modification not specifically prohibited by the SMP.

~~((This definition applies only to "Shoreline" regulations in chapter 30.44 SCC.))~~

Section 92. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.191 "Shoreline ecological functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. Shoreline ecological functions include, but are not limited to:

- (1) *Streams.* Fish and wildlife habitat; transport of water, sediment and organic material; and floodwater storage and attenuation;
- (2) *Wetlands.* Fish and wildlife habitat; pollution assimilation; sediment retention; shoreline stabilization; floodwater storage, attenuation and conveyance; wave energy attenuation; stream base-flow maintenance; and groundwater discharge/recharge;
- (3) *Lakes.* Fish and wildlife habitat; sediment retention; pollution assimilation; and floodwater attenuation, storage and conveyance;
- (4) *Riparian Habitat Areas (shoreline vegetation).* Habitat for water dependent and riparian dependent fish and wildlife; noise and visual screening; large woody debris and other natural organic matter recruitment; floodwater attenuation and storage; temperature maintenance; pollution assimilation; streambank stabilization; and supply of sediments and nutrients.

(5) *Marine waters.* Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

Section 93. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.192 "Shoreline environment designations" means the categories of shorelines established by the Snohomish County Shoreline Management Program (SMP) in order to provide a uniform basis for applying policies and use regulations within physically distinct shoreline areas. The SMP classifies shorelines into seven shoreline environment designations: Urban, Urban Conservancy, Rural Conservancy, Resource, Municipal Watershed Utility, Natural and Aquatic.

Section 94. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.193 "Shoreline jurisdiction" means all of the geographic areas regulated by the Snohomish County Shoreline Management Program, including all shorelines, shorelines of the state, shorelines of statewide significance, and shorelands.

Section 95. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.194 "Shoreline Management Program (SMP)" means the Snohomish County Shoreline Management Program consisting of the components described in SCC 30.67.030.

Section 96. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.195 "Shoreline modification" means an action that modifies the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as: shoreline stabilization; piers and docks; fill; breakwaters, jetties, groins and weirs; beach and dune management; dredging and dredge material disposal; and shoreline habitat and natural systems enhancement projects.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

Section 97. Snohomish County Code Section 30.91S.200, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

1 **30.91S.200 "Shoreline permit"** means any substantial development, variance, conditional
2 use, or revision thereto authorized under the provisions of the ~~((master program))~~ Snohomish
3 County Shoreline Management Program and subject to review by the Washington State
4 Department of Ecology.

5
6 ~~((This definition applies only to "Shoreline" regulations in chapter 30.44 SCC.))~~

7
8 **Section 98.** Snohomish County Code Section 30.91S.210, adopted by Amended Ordinance
9 02-064 on December 9, 2002, is amended to read:

10
11 **30.91S.210 "Shoreline substantial development"** means any development of which the
12 total cost, or fair market value, whichever is higher, exceeds ~~(((\$2,500))~~ the dollar threshold
13 established or as hereafter adjusted for inflation by the state office of financial management
14 pursuant to WAC 173-27-040(2)(a), or any development which materially interferes with the
15 normal public use of the water or shorelines of the state. ~~((; except that the types of~~
16 ~~development defined in SCC 30.44.110 shall not be considered substantial developments for~~
17 ~~the purpose of this chapter.))~~

18
19 ~~((This definition applies only to "Shoreline" regulations in chapter 30.44 SCC.))~~

20
21 **Section 99.** Snohomish County Code Section 30.91S.220, adopted by Amended Ordinance
22 02-064 on December 9, 2002, is repealed.

23
24 **Section 100.** Snohomish County Code Section 30.91S.230, adopted by Amended Ordinance
25 02-064 on December 9, 2002, is amended to read:

26
27 **30.91S.230 "Shoreline variance"** means a permit for the limited purposes of granting
28 relief to specific bulk, dimensional, or performance standards set forth in the Snohomish
29 County Shoreline Management Program (SMP). ~~((where there are extraordinary or unique~~
30 ~~circumstances relating to the property such that the strict implementation of the SMP would~~
31 ~~impose unnecessary hardships on the applicant, or thwart the policies set forth in chapter~~
32 ~~90.58 RCW.~~

33
34 ~~((This definition applies only to "Shoreline" regulations in chapter 30.44 SCC.))~~

35
36 **Section 101.** Snohomish County Code Section 30.91S.240, adopted by Amended Ordinance
37 02-064 on December 9, 2002, is amended to read:

38
39 **30.91S.240 "Shorelines"**~~((are))~~ means all of the ~~((waters))~~ water areas of the state,
40 including reservoirs, and their associated ~~((wetlands))~~ shorelands, together with the lands
41 underlying them; except (1) shorelines of statewide significance, (2) shorelines on segments
42 of streams upstream of a point where the mean annual flow is 20 cubic feet per second or

less, and the wetlands associated with such upstream segments, and (3) shorelines on lakes less than 20 acres in size, and wetlands associated with such small lakes.

Section 102. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.262 "Shorelines of statewide significance" means shorelines designated by the State of Washington that are major resources from which all people in the state derive benefit. Shoreline areas in Snohomish County that are designated as shorelines of statewide significance include: Lake Stevens, Spada Lake, Sauk River, Stillaguamish River (including North and South Forks), Snohomish River, Skykomish River (including North Fork), Snoqualmie River, Skagit Bay, Stillaguamish River Estuary, Snohomish River Estuary, Puget Sound (excluding tidelands), Possession Sound (excluding tidelands), Port Gardner (excluding tidelands), and Port Susan (excluding tidelands).

Section 103. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.252 "Shorelines of the state" means the total of all shorelines and shorelines of statewide significance within the state.

Section 104. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.465 "Soil bioengineering" means an applied science that combines structural, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

Section 105. A new section is added to chapter 30.91S of the Snohomish County Code to read:

30.91S.685 "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

Section 106. A new section is added to chapter 30.91T of the Snohomish County Code to read:

1 **30.91T.054.1 "Tidal waters"** means marine and estuarine waters bounded by the ordinary
2 high mark. Where a stream enters the tidal waters, the tidal water is bounded by the
3 extension of the elevation of the marine ordinary high water mark within the stream.
4

5 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*
6

7 **Section 107.** A new section is added to chapter 30.91T of the Snohomish County Code to
8 read:
9

10 **30.91T.054.1B "Tidelands"** means the land on the shore of marine water bodies between the
11 line of ordinary high tide and the line of extreme low tide.
12

13 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*
14

15 **Section 108.** A new section is added to chapter 30.91T of the Snohomish County Code to
16 read:
17

18 **30.91T.068 "Tram"** means a conveyance that transports passengers or freight in carriers
19 on rails or suspended from cables supported by a series of towers.
20

21 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*
22

23 **Section 109.** A new section is added to chapter 30.91U of the Snohomish County Code to
24 read:
25

26 **30.91U.075 "Upland"** means the area above or landward of the ordinary high water mark.
27

28 **Section 110.** A new section is added to chapter 30.91V of the Snohomish County Code to
29 read:
30

31 **30.91V.017 "Vessel"** means ships, boats, barges, or any other floating craft which are
32 designed and used for navigation and do not interfere with normal public use of the water.
33

34 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*
35

36 **Section 111.** A new section is added to chapter 30.91W of the Snohomish County Code to
37 read:
38

39 **30.91W.009 "Water-dependent"** means a use or a portion of a use which requires direct
40 contact with the water and cannot exist at a non-water location due to the intrinsic nature of
41 its operations. Examples of water-dependent uses include ship cargo terminal loading areas,
42 ferry and passenger terminals, barge loading facilities, ship building and dry docking,
43 marinas, aquaculture, float plane facilities and sewer outfalls.

1
2 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

3
4 **Section 112.** A new section is added to chapter 30.91W of the Snohomish County Code to
5 read:

6
7 **30.91W.009.1 "Water-enjoyment"** means a recreational use, or other use facilitating public
8 access to the shoreline as a primary characteristic of the use; or a use that provides for
9 recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as
10 a general character of the use and which through the location, design and operation assures
11 the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to
12 qualify as a water-enjoyment use, the use must be open to the general public and the
13 shoreline space of the project must be devoted to provisions that accommodate public
14 shoreline enjoyment. Examples include parks, piers, museums, restaurants,
15 educational/scientific reserves, resorts and mixed use projects.

16
17 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

18
19 **Section 113.** A new section is added to chapter 30.91W of the Snohomish County Code to
20 read:

21
22 **30.91W.011 "Water-oriented"** means any combination of water-dependent, water-related,
23 and water-enjoyment uses. Nonwater-oriented serves to describe those uses which have little
24 or no relationship to the shoreline. Examples of nonwater-oriented uses include professional
25 office, automobile sales or repair shops, mini storage facilities, multifamily residential
26 development, department stores, and gas stations.

27
28 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

29
30 **Section 114.** A new section is added to chapter 30.91W of the Snohomish County Code to
31 read:

32
33 **30.91W.012 "Water-related"** means a use or a portion of a use which is not intrinsically
34 dependent on a waterfront location but whose operation cannot occur economically without a
35 waterfront location. Examples of water-related uses include warehousing of goods
36 transported by water, seafood processing plants, hydroelectric generating plants, gravel
37 storage when transported by barge, oil refineries where transport is by tanker, and log
38 storage.

39
40 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

41
42 **Section 115.** A new section is added to chapter 30.91W of the Snohomish County Code to
43 read:

1
2 **30.91W.008 "Watercourse"** means any portion of a channel, bed, bank, or bottom within
3 the ordinary high water mark of waters of the state. This definition does not include
4 irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses,
5 except where they exist in a natural watercourse which has been altered by humans.

6
7 *This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.*

8
9 **Section 116.** Section 14 of Amended Ordinance 10-026, adopted on June 9, 2010, is
10 amended to read:

11
12 Section 14. A new section is added to Chapter 30.61 of the Snohomish County Code
13 to read:

14
15 **30.61.122 State Environmental Policy Act (SEPA) requirements relating to**
16 **stormwater management**

17
18 SEPA review shall include consideration of the specific probable adverse environmental
19 impacts of a development activity with regard to on-site and off-site changes to stormwater
20 volume, release rate, erosion, sedimentation, stream channel stability and water quality.
21 When the director determines that the requirements of chapters 30.43C, 30.43D, 30.44,
22 30.62, 30.62A, 30.62B, 30.62C, 30.63A, 30.63B, 30.63C, 30.64, ~~((and))~~ 30.65 and 30.67
23 SCC ensure that the development activity will not result in any probable significant adverse
24 environmental impacts, compliance with those requirements shall constitute adequate
25 analysis and mitigation of the specific significant probable adverse environmental impacts of
26 the development activity with regard to on-site and off-site changes to stormwater volume,
27 release rate, erosion, sedimentation, stream channel stability and water quality, as provided
28 by RCW 43.21C.240.

29
30 **Section 117.** Snohomish County Code Section 30.91W.070, adopted by Amended
31 Ordinance 02-064 on December 9, 2002 is repealed.

32
33 **Section 118.** Nothing in this ordinance shall be construed as abating any official action of
34 the county now pending under or by virtue of the Snohomish County Shoreline Management
35 Master Program goals, policies, regulations and environment designations or the provisions
36 contained in chapter 30.44 SCC herein repealed by the adoption of this ordinance, or as
37 waiving any right of the county under the policies, provisions and regulations repealed by the
38 adoption of this ordinance.

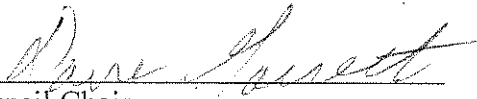
39
40 **Section 119. Severability and savings.** If any section, sentence, clause or phrase of this
41 ordinance shall be held to be invalid or unconstitutional by the Growth Management
42 Hearings Board (Growth Board), or a court of competent jurisdiction, such invalidity or
43 unconstitutionality shall not affect the validity or constitutionality of any other section,
44 sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence,

1 clause or phrase of this ordinance is held to be invalid by the Growth Board or court of
2 competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the
3 effective date of this ordinance shall be in full force and effect for that individual section,
4 sentence, clause or phrase as if this ordinance had never been adopted.


5
6 **Section 120. Effective date and implementation.** The effective date of this ordinance shall
7 be the date on which the Washington State Department of Ecology approves the Snohomish
8 County Shoreline Management Program as provided by RCW 90.58.090. The Department of
9 Planning and Development Services is authorized to take such actions as may be necessary to
10 implement this ordinance on its effective date.

11
12 PASSED this 13th day of October, 2010.

13
14
15 SNOHOMISH COUNTY COUNCIL
16 Snohomish County, Washington
17

18
19 
20
21 Council Chair

22 ATTEST:

23
24 
25
26 Asst. Clerk of the Council

27
28 (✓) APPROVED
29 () EMERGENCY
30 () VETOED

31 DATE: October 22, 2010
32

33
34 
35
36 Snohomish County Executive

37
38
39 ATTEST: 
40

41 Approved as to form only:

42
43
44 Deputy Prosecuting Attorney

D-10

